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From the Cincinnati Daily Gazette.

THE ORDINANCE OF EIGHTY-SEVEN.

I assumed in the Gazette of June 25, that a slave is not reclaimable in Ohio, unless he have *escaped* from one of the *original* [13] states.—This position is taken on the Ordinance of 1787 for the government of the North Western Territory, and seems to be impregnable unless it can be shown that the ordinance has lost its force.

The grant of the North Western Territory to the United States was made by Virginia, under the old Confederation. There is no dispute as to the power of the Congress then existing to accept the grant, and to make laws for the government of the ceded territory. The ordinance of '87 was enacted for its government—by the last Congress that met under the Confederation. It contains six articles, which are declared to be —"for extending the fundamental principles of civil and religious liberty—for fixing and establishing those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in said territory—for providing for the establishment of States and permanent government therein—and for their admission to a share in the federal councils on an equal footing with the original States, &c."

Of these "articles" it is further declared, they "shall be considered as *articles of compact* between the original States and the people and States in said territory, and *forever remain unalterable unless by common consent.*"

The last of these articles of compact, after declaring that neither slavery nor involuntary servitude otherwise than in punishment of crimes, &c., shall "BE" in the said territory, provides, that any person escaping into the same, from whom labor or service is lawfully claimed, in any one of the *original* states, such fugitive may be lawfully reclaimed, &c.

The articles of Confederation contained no clause providing for the delivery of slaves escaping from one State into another. A proposition for such a clause, if we mistake not, was rejected. If the provision contained in the ordinance was necessary to authorize their reclamation and delivery at all—and if a particular case is specifically described and provided for—it would be wasting words to set about proving that all other cases, *ex vi termini*, are excluded. The "original" States do not mean the "new" States. And here, *expressio unius, exclusivo alterius*, (the specification of a single thing is the exclusion of every other thing) a maxim of common sense as well as of law, well applies.

Why this limitation of the provision to the "*original* States" was made, may be satisfactorily accounted for from the prevailing sentiment of the times. Neither the Congress of '87 that passed the ordinance, nor the Convention that formed the Constitution, nor the Congress of '89 that ratified the ordinance without alteration, expected that any "new" State would ever be admitted to the Union as a slaveholding State. That the honorable hopes and expectations of the patriots of that day, have not been fulfilled by subsequent events, has nothing to do, however, with the interpretation of the ordinance of '87.

At the time the Ordinance was enacted, the Government consisted of only the "original" (13) States—no "new" States having yet been admitted. Its power to make the Ordinance *perpetual—unalterable*—unless by common consent, has at no time, that I am aware of, been drawn in question.

The Congress which enacted the Ordinance was in session at the same time—in the same place (Philadelphia) that the Convention which formed the Constitution of the United States was. It is reasonable to presume it to have been well understood by both assemblies, that the fundamental principles of the Ordinance should in nothing be repugnant to what were expected would be the fundamental principles of the Constitution then in the process of being formed. No repugnancy, it is believed, has ever been alleged.

The first Congress that met under the Constitution (in '89) ratified the Ordinance in "*an act to provide for the Government of the Territory north west of the river Ohio*"—which has this preamble:

"Whereas, in order that the Ordinance of the United States, in Congress assembled, for the government of the territory north-west of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to *adapt* the same to the present Constitution of the United States—*Be it enacted*," &c.

The "certain provisions" of the act have no reference to the six articles of compact—they are merely formal.

The act of Congress of April 30, 1802, authorizing the people, of what now is the State of Ohio, to form a Constitution, and for their admission to the Union, prescribes that the Constitution "shall be republican; and not *repugnant to the ordinance of* '87."

The Constitution of Ohio begins thus: "We, the people of the eastern division," &c. "having the right of admission into the general government as a member of the Union, consistent with the constitution of the United States, *the ordinance of Congress of* 1787," &c.

The acts of Congress, authorizing the people of Indiana (1816)—of Illinois (1818)—of Michigan (1835)—to form State Constitutions, and for their admission to the Union, contain a similar limitation to that in the case of Ohio. Their constitutions must *not be repugnant to the ordinance of* '87. Their obligation to regard this limitation is recognized in their respective constitutions, as it is in that of Ohio. The language of the Michigan Constitution is somewhat peculiar:—"Availing ourselves of the provision of the aforesaid ordinance of the United States, of the 13th July, 1787, and the acts of Congress, passed in accordance therewith, which ENTITLE us to admission into the Union," &c. The 5th article of the ordinance provides for the admission, by their delegates into Congress, of the several States which might be formed out of the territory, whenever they should each have a certain number of inhabitants—provided their constitution and form of government was "*republican, and in conformity with the principles contained in these* [6] *articles.*"

The Constitution of the United States, Act VI., says: "All *engagements* entered into before the adoption of this Constitution, shall be as valid against the United States, under this constitution, *as under the confederation.*"

In conclusion on this point, Mr. Webster [speech on Foote's Resolutions] speaks of the ordinance as an *original compact, not only above all local law, but above all local constitutions.*

These may be termed the facts in the case, enough of them, at least, to show that Congress and the "people and States of the territory" have, on every suitable occasion, recognized in the most ample manner, the validity of the ordinance.

With this basis, the case may be plainly stated, and, as I think, a satisfactory conclusion arrived at. Suppose, instead of the change in the form of the government that took place, the Confederation had continued up to the time that Ohio, after complying with all the conditions imposed on her by the Ordinance, was admitted as a State to the Confederation; but that previous to her admission Kentucky and Tennessee had also been admitted as *slaveholding* States. What would have been her relation to these two States so far as the matter in hand was concerned? She would have been under no obligation *in virtue of the ordinance*, to deliver up to them their slaves when flying for refuge to her free soil. They were not *original* States, but the *opposite*, and therefore *excluded*, if any words can be found to express the idea, from the scope of the obligation. This seems to be a case clear of all doubt.

But ONE of the parties to the compact embraced in the ordinance, the Government under the 'articles of confederation' changes its form—its *form only*—and becomes the government under *a constitution;* this, too, without the agency in any way of the other party. The change that has been made in the form of the government cannot in any way affect the force of the obligations into which it has entered. The "engagements" of the Confederation become the engagements of the Union.—Ohio may enter this Union under the ordinance or not. It is entirely discretionary with her—but she has a *perfect right* to do so, on performing the condition embraced in the ordinance. It is not with *her* (and the other states made out of the N. W. Territory) as it is with states which have made *no* compact with the government.—They "may be admitted," if Congress think it best. But the title of Ohio to admission is *complete* on her performance of the conditions prescribed in the ordinance. If so, Congress can prescribe no other terms of admission, nor can the facts of her asking admission, and being admitted to the Union be urged as constituting assent to any thing not *necessary* to her admission, especially when such assent involves a permanent relinquishment of sovereignty—the power of giving full protection and security to all within the bounds of her jurisdiction. Congress has never asked of Ohio—for it has no right—that her obligation to deliver fugitives from labor and service should be extended to the "new" States; and were she to consent to it without a full equivalent, it would be regarded as an act of suicidal folly.

A multitude of other considerations might be presented bearing on the subject—but I shall detain the reader no longer than to give a more direct answer than can be gathered from the foregoing remarks, to a single position. The position is this—that as Ohio has entered the Union on an equal footing with the other States, she of course assumes in all respects the same obligations and liabilities that the other States are under to her and one another; and as the delivery of fugitives from labor is included in these obligations she also is bound to deliver them. This is plausible—seems just. But it is not. The original States as well as most of the "new" States have come under no conventional restriction against the establishment of slavery. With one exception, of the States made out of the Northwestern Territory, they all have been, are, or may (if they choose) become slaveholding States. A perfect reciprocity may exist *among them* as to the delivery of fugitives from labor, but it never can with Ohio. She has debarred herself *forever*, if she adhere with good faith to the ordinance, from becoming a slaveholding State. As she can never have any runaway slaves to reclaim, this friendly office that is asked of her by the slave States, can never be reciprocated. There is then, ample reason why she should not be bound to do it. For it is not with States—political communities—as it is with individuals. They confer no gratuitous favors—except on acknowledged *inferiors.* If one State grant a privilege or benefit to another, it is only in view of an equivalent being rendered. Ohio having relinquished the right—(if that can be called a right which is the destruction of all right) of slaveholding, she cannot receive the equivalent *in kind.* No equivalent in any other form has yet been offered, and accepted for the surrender of such portion of her sovereignty as the case involves; therefore she is bound by no obligation.

I take it to be law that no man can be sent out of this State against his will, unless on a charge duly made of treason, felony, or other crime committed in another State. If this be so, and if my view of the main point be correct—and if it is not, I trust, its incorrectness may be shown —every slave (except he be of the original States) who is fortunate enough to win his way to Ohio, Indiana, Illinois, Michigan or Wiskonsan, is redeemed from slavery and made a *freeman*, not only by the spirit, but by the letter of that glorious monument erected to liberty by our father, the ordinance of '87. J.

From the Cincinnati Gazette.

THE NEW THEORY RESPECTING FUGITIVE SLAVES.

MR. EDITOR, *Sir*—A writer in the Gazette of the 12th inst. over the signature of "J." has requested that the "incorrectness," if there be any, in his "view of the main point" of the subject which he has undertaken to discuss, "may be shown." Without presuming to make distinctly manifest the "incorrectness" of that view, the writer of this communication respectfully asks permission to present through your columns, some considerations thereon:—considerations which, perhaps, may have an influence upon the opinions given forth in the article alluded to, and which may not be altogether uninteresting to those of your readers who are inclined to adopt and entertain said opinions.

The "view" of your correspondent "J." is, in its completest exhibition, this: "every slave, (except he be of the original States,) who is fortunate enough to win his way to Ohio, Indiana, Illinois, Michigan, or Wisconsan, is redeemed from slavery"—in truer words, "*every person held to service or labor in Kentucky, Tennessee, Mississippi, Alabama, Louisiana, Arkansas, or Missouri, under the laws thereof, escaping into Ohio, Indiana, Illinois, Michigan, or Wisconsin, shall be discharged from such service or labor, and shall not be delivered up on claim of the party to whom such service or labor may be due.*" Such runaway is absolutely and forever free. His owner has no right to recover him. The Courts have no right to decide that he shall be delivered up on formal claim. In short, such fugitiee slave is not a slave, but a free man.—This view, the present writer believes to be totally "incorrect." In his opinion, it is not supported by facts, and by legitimate reasoning in the case. It is entirely opposed to that which prevails in the minds of Statesmen, Judges, Lawyers and people of this country, and is calculated, if put into action, to work out about as much practical mischief, as any doctrine, which in connection with this subject, has been recently started.

It is much to be regretted that your correspondent did not see fit to introduce into his article a most important provision in the Constitution of the United States, bearing directly upon his argument, and without a formal consideration of which provision, it seems strange that any one should think of discussing this subject. The provision referred to is contained in the second section of the fourth article, and is as follows:—"No person held to service or labor in one state, under the laws thereof, escaping into another, shall in conseqence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due." "This clause," says Judge Story, in 3 commentaries on the Constitution, 676, "was introduced into the Constitution, solely for the benefit of the slaveholding states, to enable them to reclaim their fugitive slaves, who should have escaped into other States, where slavery was not tolerated."—Now your correspondent, by keeping this clause away from the eyes of his readers, contributes to the fixing of *this* error in their minds, to wit: that the ordinance of 1787 contains our *only* law, respecting the reclamation of runaway slaves; that the Constitution of the United States has said nothing about it; and by such proceeding, he furnishes occasion to those, who may be less disposed to believe in his candor, than is the present writer, to insinuate that he is presenting these views of his, not for the purpose of truth, but for the sake of agitation, or the selfish triumph of some party. The present writer does not believe so himself, but he knows that in this community, are individuals who, on account of this unwarrantable omission, have put such fatal construction upon his motive.

One "incorrectness" in the "view" of your correspondent, as it seems to me, consists in maintaining that article 6, of the ordinance of '87, is supreme over the 3d clause of the 2d section of article 4, of the Constitution of the United States. These two provisions do certainly conflict with each other. One of them must fall, and as "We, the People of the United States," have declared in article 6, of the Constitution, that "this Constitution shall be the supreme law of the land," and that "the Judges in every State shall be bound thereby," I think that article 6 of the ordinance must yield; it must be regarded as subordinate, if not as altogether dead, in the presence of that "Supreme" clause of the Constitution, which conflicts with it. Judge McLean—in 1 McLean's Reports, 343—says, "It is insisted that if effect be given to this provision of the ordinance, [respecting navigation of western waters] it is restrictive of the sovereign power of the State; and is repugnant not only to the Constitution of the State, and the Constitution of the United States, but to the act of Congress which declares that the State of Ohio shall be admitted into the Union, on an equal footing with the original States. *If this position be correct, it must be fatal to the plaintiff's right.*" Judge Lane—in 9 Ohio Reports, 64—says if the ordinance "does undertake to prohibit the North-Western States from passing laws affecting the navigation of their rivers, then it might become a question whether such a provision was not, ipso facto, abrogated by the Constitution of the United States." Your correspondent indirectly represents that there is no such conflict as that alluded to above. His words are these: "The Congress which enacted the ordinance was in session at the same time—in the same place (Philadelphia,) that the Convention which formed the Constitution of the United States was. It is reasonable to presume it to have been well understood by both Assemblies, that the fundamental principles of the ordinance should, in nothing, be repugnant to what were expected would be the fundamental principles of the Constitution, then in the process of being formed. No repugnancy, it is believed, has ever been alleged."

Now, that there *is* such "repugnancy" or conflict, is made apparent thus:—In the article of the ordinance, which was passed July 13th, 1787, it is declared, "there shall be neither slavery, nor involuntary servitude in the said [North-Western] Territory." This is a fundamental law for that territory. To this law, however, the same article provides an exception in these words:—"Provided, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the *original* States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service asforesaid." Now the Constitution of the United States, which passed from the hands of the convention in September, 1787, though it was not ratified until subsequently, *extends* that exception by providing that any person held to labor or service in *any* State, under the laws thereof, escaping into *any other* State, shall be delivered up on claim of the party to whom such service or labor may be due. Its words have already been given above. It *extends* the exception in the ordinance. Perhaps the truth is more nearly expressed by saying that the exception in the Constitution covers the whole ground occupied by the exception in the ordinance, and also *additional* ground. The ordinance exception encroaches, if you please, upon a fundamental law of the Territory. The Constitution exception encroaches still further upon that fundamental law. It seems to say to the exception in the ordinance—"you are not comprehensive enough. I will comprehend all that you include, and will embrace still more." The exception in the ordinance limits what the exception in the Constitution declares shall be extended farther. The former *prohibits* to the new slave holding states (they were "excluded," says your correspondent from the scope of the obligation,) the right of reclaiming run away slaves. The latter abolishes that prohibition. Is *there* not a conflict —a repugnancy? And now observe that "the United States in Congress assembled" originated the exception in the ordinance, while, "We, the *People* of the United States," originated the conflicting exception in the Constitution. Which authority was supreme? In 4 Wheaton's Reports, 473—Chief Justice Marshall says—"If any one proposition could command the universal assent of mankind, we might expect it would be this,—that the government of the Union, though limited in its powers, is *supreme* within its sphere of action. This would seem to result necessarily from its nature. It is the government of all, its powers are delegated by all, it represents all, and acts for all. But this question is not left to mere reason—the people have in express terms decided it by saying, "this Constitution and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land," and by requiring that the "members of the State Legislatures, and the officers of the Executive and Judicial departments of the States, shall take the oath of fidelity to it." I ask again which authority is supreme? There can be but one answer, and the exception enacted by the inferior authority must yield.

This view, it seems to me, might be satisfactory and conclusive to those of your readers, conversant with this subject, who believe that the *sovereign people of the United States* had a *right* to ordain and establish in their Constitution, an exception, conflicting with, and over ruling the exception ordained by "the United States in Congress assembled." This right, I believe is denied.—Certainly those among us who define the ordinance of '87 to be what any ordinance, according to the common usage of the word, is, to wit; a *law*, a *rule*, cannot deny said right; for not the *people* only of the United States, but even the United *States* in Congress assembled, have a right to abrogate or repeal any mere law or rule, which they may have enacted and of course any exception contained in said law or rule. It is only when such law, rule or ordinance is construed to be, or rather, when it really is a *compact*—that is, a *contract* between two distinct parties, and when the Constitution of the United States declares that "engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation"—it is only then that one may safely rise up and say to the people of the U. States, "even you, sovereign as you are, have no right to ordain and establish any provision conflicting with such ordinance—such *compact.*"

If then, I repeat, the Ordinance of 1787, be as Mr. Webster stated, a compact—or more truly, if it contain articles of compact between two distinct existing parties, the "original states" on one side, and the "people and states of the North Western Territory" on the other—if it have been originated by qualified authorities—if it have been sufficiently accepted by both parties—if rights have become vested under it—if it provide, within its own instrument, that its specified articles of compact, shall "forever remain unalterable unless by common consent"—and if the people themselves, through their Constitution declare, that the engagements under the confederation shall be inviolable; it seems beyond dispute, evident to me that there is no where any power that may rightfully alter a single article of compact in the ordinance, except such power reside in the parties themselves, and except such alteration be made by common consent.

Now, it is very far from being clear to the minds of all who have looked most into this subject, that the six articles in the ordinance, which, by its framers have been denominated articles of compact, are really entitled to be so characterized. Most assuredly if the articles themselves do not possess the essential characteristics of a contract (for in 8 Wheaton's Reports, page 1, Judge Washington says, "The terms compact and contract are synonymous" —and in Fletcher vs. Peck, the Chief Justice defines a contract to be a "compact between two or more parties,') any most formal, resolute, and frequent application to them of the phrase—"articles of compact," cannot possibly make them so. It is worthy of notice, that at the time of the framing of the ordinance, at the time of the origination of this so called compact, the second party to it, to wit: the "people and States of the North-Western Territory" had no actual existence. This pretended second party had, of course no share in the framing of it. At the time of the formation of the U. States Constitution, this pretended second party had not assented to it, and if the Congress which enacted it, had at that time, repealed it, such repeal would have been valid—no rights would have been violated; there was no aggrieved party to complain—no obligation would have been broken—no contract existed. It was not until April, 1788, on the first arrival of settlers at Marietta, that a second party existed. That party did not at once formally accept the ordinance. The ordinance was never formally accepted by the "people and States in the North-Western Territory." The best evidence I can find of any sort of acceptance thereof, is in the first Legislative action under the ordinance—and that did not take place until July 25th, 1788—see 1 Chase's Statutes, 93. But mark, on the 21st June, 1788, the Constitution of the United States had been ratified by the accession of nine states—a Constitution altering the articles "*to be considered*" articles of compact. Of course the inchoate contract was accepted with the alteration. These remarks are only sound, on the admission of this fact. Legislative action under the ordinance is the only legitimate evidence of the acceptance of the ordinance. I repeat, that until acceptance, the contract so called, was no contract—but a "fundamental law of Congress." It was a series of enactments that were "to be considered articles of compact"—when accepted. It would certainly be an anomalous classification to range under the head of contracts, that instrument for whose acceptance no second party existed, and from whose obligations, the first party might, at any time, previous to its dissolution, have entirely and rightfully withdrawn. In accordance with these statements is the opinion of Judge Lane in 9 Ohio Reports, 62. His words, are, "I have called this part (of the ordinance) a compact because it is so termed in the instrument, but if it were not for some things which have since taken place, there might be great difficulty in regarding it in that light. There was in reality, but one party to it originally, and that was the General Government."

So much for the ordinance considered—as Judge Lane considered it in its origin—as a "fundamental law of Congress." If it be only such, the people have a right to abrogate, annul, or repeal it, and one clause of it in the exercise of this their indisputable right, they certainly have repealed.

I do not, however, for myself, insist peremptorily upon the just presented view. I prefer contemplating the ordinance in the character in which your correspondent considers it; as being, or creating, or containing a *compact*—a compact distinctly declaring that it shall forever remain unalterable unless by common consent. J. A. J.

From the Cincinnati Gazette.

THE NEW THEORY RESPECTING RESPECTING FUGITIVE SLAVES.

I have endeavored, Mr. Editor, to show, that the Constitution of the U. States does alter the ordinance of '87. Let us now keep distinctly in view the precise point. The alteration, I repeat is in *this*:—the ordinance limits within a certain range, an exception to a fundamental law of the North-Western Territory, while the United States Constitution extends the range of that exception. The one limits the right of reclaiming runaway slaves to the original states, while the other extends that right to all the states. That is the point, and the only point—the Constitution does not conflict with the ordinance in any other clause but that—only in that single provision has the Constitution altered the ordinance; and my proposition now is this:—*such alteration has been made by common consent.* Being so made, the specified condition under which an alteration might be effected in the ordinance, has been completely satisfied. I confess, however, that a consideration of this part of our subject is attended with some difficulty. It is difficult to get at precise notions upon it, and also difficult to so express those notions as to obtain for them the desirable assent.

My first object is to state what I suppose would be universally deemed a sufficient expression, and evidence of that common consent—such as would completely answer all the literal demands of the terms in the ordinance. The terms are these: the following articles shall be considered as articles of compact between the original states, and the people and States in the said Territory, and forever remain unalterable unless by common consent." Now, were a clause like that contained in the Constitution of the United States, altering a clause in the compact, to be formally accepted by the Legislatures, (popular conventions) of every one of the original States, (including Kentucky, Tennessee, Mississippi and Alabama—parts and parcels of the original States) were this clause to be then formally accepted by a convention of the people in the Northwest Territory, and afterwards to be formally accepted by the legislatures of the States ("people and States"—not people or States) in that territory, such formal acceptance would, I suppose, be a complete satisfaction of the terms of the ordinance—would be a complete giving in of the common consent. If nothing less than that will do, we certainly have not got the necessary common consent, and my proposition must be abandoned.

Again,—were such clause to be accepted by one grand convention made up of the Legislatures (or their delegates) of all the original States, and of delegates from the people of the Northwest Territory, and of the Legislatures (or their delegates) of the States in that Territory, would such acceptance amount to an expression of that common consent which the ordinance requires? Will nothing less than that do? I ask an answer; for observe, your correspondent tells us what is not the common consent; he fails to tell us what is or what would be such.

Again: Were such clause accepted by the original States, (i. e. their legislatures,) by the four States in the Northwest Territory, and by a Convention of the people of Wisconsin Territory, would that amount to the common consent? If nothing less than that will do, the common consent is yet ungiven.

Again: Were such clause accepted by the original States in the Northwest Territory, and by the State of Wisconsin, when she shall be admitted into the Union, (i. e. into the rights and obligations of the Constitution of the United States,) would only that be the common consent? If so, until the admission of Wisconsin, the alteration cannot claim for itself the necessary common consent.

Again: Were the clause accepted by the original States, by the four States in the Northwest Territory, without a formal acceptance by the people in the Northwest Territory, or the people in Wisconsin Territory, would that be an expression of the common consent.

Again: Is it necessary that the proposed alteration be formally, and in so many words, brought up before the above named parties for their action, and that the common consent be given in, all at the same time, and all in the same place? If so, the terms of the ordinance has not been complied with.

Again: Does common consent mean universal consent? If so, the ordinance is yet unaltered.

Let us now go to history and inform ourselves of what has been actually done on this subject, and how it has been done. I trust we shall find that the letter as well as the spirit of the ordinance has been complied with. And, first, I wish to remark that the form wherein this common consent may be, or has been expressed is not material. I invite your careful attention to this point—the distinction between the form of giving the common consent, and that consent itself. What we want is common consent, not any particular mode of expressing it. Unlike the Constitution of the U. States, providing for it own amendments—the ordinance has not prescribed any particular mode, for its own alteration. It has left that matter open to the discretion of the parties, and they may pursue what mode soever, shall, to each of them, be convenient. It is not necessary that the forms pursued in the alteration of an instrument be precisely the same with those adopted in its creation. Were some third party power to alter the ordinance, and were the parties to it afterwards to furnish a common consent to such alteration, the ordinance requisitions would be complied with. In the present case, the same parties that originated and accepted the contract, have come forward at various times and places, and in various ways, have given in their adherence to an article in a Constitution which they declare supreme, altering a conflicting article in an ordinance. The common consent, i. e. the common "agreement of mind," to that alteration is the inevitable result or concomitant of that given in adherence. Let us remember that consent is not any external act. It is an intellectual accord of two or more minds revealable by some external act. And *common consent* expresses the state of all these minds wherein such intellectual accord prevails. The two parties to the compact, [one of them made up of thirteen members, and the other of six members—to wit, the five States and the *people in the Territory,*] have through successive acts, been furnishing evidence of this accord, this unity of opinion, this agreement of mind, this common consent, from the first ratification of the Constitution by Delaware, in 1787, to the last adoption of it, in 1835, by Michigan.

The people in each of the thirteen States, by delegates in convention, accepted the Constitution of the United States, and, of course, that clause in it which altered a clause in the ordinance. At the instant of such acceptance by its *people*, each *State* became admitted it to the Union—i. e. into the rights and obligations of the Constitution of the United States, and so was exhibited by all the original *States*, their portions of that common consent indispensible to a change in the ordinance.

Let us now come over to the other party. We find that the first action, which finally resulted in the giving in of the portion of that common consent, existing within the limits of Ohio, was an act of Congress of April 30th, 1802.—This law authorized the inhabitants of the Eastern division of the territory to form a constitution and State government—"and the said State when formed shall be admitted into the Union," (i. e. into the rights and obligations of the Constitution of the United States) "upon the same footing with the original States, in all respects whatever." The next action on the subject was in November 29th, 1802, when "the *Representatives* of the people of this Eastern division," "having had under consideration the propositions offered by the said act," did "resolve to accept of said propositions," one of which was, *admission* into the *rights* and *obligations* of the Constitution of the U. States. This "resolve" of the convention, I consider to be an acceptance of the rights and obligations of the Constitution of the U. S. by the people in the Eastern division of the territory, and of course an expression of their portion of the common consent in question. I find that on the same day—November 29th, 1802—the convention adopted the Constitution of the State of Ohio, by which adoption the State was instantly admitted into the rights and obligations of the Constitution of the United States. And in *this admission*, I believe, consists the expression of that portion of the common consent which Ohio (each "State in the territory" as well as the people in the territory) is bound by the very letter of the ordinance, to give. If this exhibition of the action in this State, in 1802, on this subject, do not satisfy your reader, that so far as Ohio is concerned, the necessary common consent for the adoption of the Constitution of the U. States, and of course of the alteration of the ordinance, has been furnished, there is no help for him. By a similar examination of facts in the history of Ind., Ill. and Michigan, we get at similar proofs of their revelation of their respective portion of the common consent. The act of Congress of April 30th, 1802, provides distinctly that the Constitution of Ohio shall be republican, and not repugnant to the ordinance of '87. This is a very important provision. It exhibits the ordinance, not as a supreme law of our whole land, but as a supreme LOCAL law, as supreme over the Constitution of Ohio—as Mr. Webster says, "a compact not only deeper than all *local* law, but deeper also than all *local* Constitutions." Whoever expressly, or indirectly, represents Congress as holding up the ordinance as the supreme law of the land—and not as a supreme local law for the northwestern territory—does a wrong to truth, and to the understandings of informed men. In providing against any *repugnancy* to the ordinance, as is provided in this act as well as in the preambles to the Constitutions of the four northwestern States, we most certainly understand the ordinance as it is, changed by the adopted Constitution, (adopted by the common consent of the parties to the compact, as far, at least, as to Wisconsin Territory) of the United States—and *not* the ordinance as it *was* before that alteration. Herein, as I conceive, is one of the errors of your correspondent, in not seeing this change; in not seeing that each of the States, in coming into the rights and obligations of the Constitution of the United States, expressed all it could express of that common consent, which is indispensable to an alteration of the ordinance, and so is forever, and absolutely debarred from averring that the alteration has not taken place, the alteration for bringing about which, each State and its people have done all they could possibly do, in order to comply with the exactions of the ordinance.

To these statements of mine, I wish to add

the following authorities: In 5 Ohio Reports, 416, the Court declared that "the Constitution (of Ohio) may be altered by the people of the State, while this [the ordinance of '87] cannot be altered without the assent both of the people of this State and of the United States, through their representatives." In 1, McLean's Reports, 343, the United States Court goes so far as to say, that any provision, even in the Constitution of Ohio, altering any provision of the ordinance, must stand valid, inasmuch as Congress having sanctioned this Constitution, the *necessary common consent* existed. The words of the Court are as follows:—"And it may be admitted that any provision in the Constitution of the State, must annul any repugnant provision contained in the ordinance. This is within the terms of the compact. The people of the State formed the Constitution, and it was sanctioned by Congress, so that there was the 'common consent' required by the compact to alter or annul it." In 9, Ohio reports, 62, the Court says: "When application for admission into the Union was made by the people inhabiting the eastern part of the territory, *modifications* in several parts of the ordinance were asked for, and they were granted by the United States as one party, to the State as the other."

These citations I have made for the purpose of indicating the opinion of our Courts upon this subject—for the purpose of getting at what constitutes the common consent spoken of in the ordinance—for the purpose of showing that the four Northwestern States, in accepting the Constitution of the United States, accepted that one of its articles which altered the ordinance, and thus expressed their part of that *common consent* indispensable to its alteration, creating their political communities without doing any thing repugnant to the ordinance—and for the purpose of diminishing the apprehension, if any exist, that in the event of judicial action upon this subject, our courts would not decide in conformity with what has so long been held to be law, not merely under the ordinance of 1787, but under the Constitution of the United States.

In conclusion, I remark, that the so far adopted mode of exhibiting the common consent, is the true and practicable mode. There have been seventeen unequivocal declarations, by the people in seventeen States, each speaking omnipotently for itself, expressing portions of this common consent, and when Wisconsin shall have accepted the Constitution of the United States, the only remaining portion of that common consent will be finally manifested. Until this time, it seems to me, that so far as the claim in question is concerned, Wisconsin is still governed by the ordinance of '87, and, consequently, slaves escaped into its territory, from any but the original States, cannot lawfully be reclaimed.

So much for the ordinance considered as a compact. In either point of view—whether contemplated as a *law*, or a *compact*—I have endeavored to show that the exception in its sixth article, on the subject of slavery, has been lawfully abrogated by a conflicting provision in the Constitution of the United States, or formally altered in conformity with the provision for that purpose, in the ordinance itself.

I hope to-morrow to show that under the ordinance of '87, Kentucky, Tennessee, Mississippi and Alabama, may reclaim their runaway slaves. Our correspondent will then be driven, with his oratory, into Louisiana, Arkansas and Missouri, for whom however, as we have seen, the Constitution of the United States provides.

I. A. J.

From the Cincinnati Daily Gazette.

The New Theory Respecting Fugitive Slaves.

There is an other point of view, Mr. Editor, wherefrom this subject may be beheld, which ought to be presented, in order that our conceptions of it may be more complete and precise. It is this:—The ordinance of 1787, in providing for the reclamation of slaves escaping from the original States, actually provides for the reclamation of slaves from Kentucky, Tennessee, Mississippi and Alabama, inasmuch as on July 13th 1787, when this provision was made, the territory of these four States, was altogether without any reservation included in the expression *original States*. Kentucky was part and parcel of Virginia, under the name of District of Kentucky—Tennessee was part and parcel of North Carolina—Alabama & Mississippi were embraced within the chartered limits of other original Southern States. Notwithstanding your correspondent asserts that "Kentucky & Tennessee were not original States, but the opposite," I venture to deny that assertion, and to declare that the statements which I have just made, are historical truths, for whose authentication, there are proofs abundant. As your correspond't has specially designated Kentucky and Tennessee, as within the limits of the expression *original* States, I shall, at present, introduce authorities applicable to only these two States. The error of your correspondent is merely one of fact—of metes and bounds—and will, I doubt not, when pointed out, be at once recognized and acknowledged. He believes that the expression *original States* embraced no more territory than is now embraced within the limits of certain *thirteen States* east of the mountains—there is his mistake.

In Butler's history of Kentucky, page 40, I find that in 1776 the "county of Kentucky" was created by the Legislature of Virginia, that this county "embraced the limits of the present State of that name." that by this measure it was entitled under the Constitution of Virginia, to a representation in the legislature, as well as to a judicial and military arrangement." The judiciary act of 1789 provides, in its second section, that one district shall "consist of the the State of Virginia, except that part called the District of Kentucky, and one to consist of the remaining part of the State of Virginia, and to be called the *Kentucky District*." The act of Congress of February 3th, 1771, admitting Kentucky into the Union, declares, that "Congress consents that the said District of Kentucky, *within the jurisdiction of the Commonwealth of Virginia*, shall, &c." There is not a more indubitably established fact in American history, than that the territory which the word Kentucky now embraces, was embraced by the phrase, *original States* in 1787.

In respect to Tennessee, I find in the sixteenth volume of the American State Papers—page 108—that in December, 1780, the "State of North Carolina, being then rightfully possessed of the jurisdiction and also of the soil, in and over all that territory, which now (May 9th, 1800) forms the territory of the State of Tennessee," did cede the same to the United States. I now ask your corespondent to look at the fourth section of that deed of cession by the General Assembly of North Carolina and read this sentence:—"The territory so ceded shall be laid out and formed into a State or States, containing a suitable extent of Territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages, set forth in the ordinance of the late Congress, for the government of the Western territory of the United States." The ordinance referred to is the ordinance of '87. To make assurance trebly sure, all the privileges of the ordinance, (one of which is the right of reclaiming runaway slaves,) are expressly reserved to the State of Tennessee. Trebly sure is her assurance indeed, for she may reclaim her fugitives slaves, 1st, under the ordinance of '87—2nd, under the Constitution of the United States—3d, under this Deed of cession which, in 1790, Congress solemnly accepted and bound itself by. So much for Tennessee. When your correspondent sees fit to deny similarly well established facts in the history of Alabama and Mississippi, there will be time, and space and proof enough to answer him. But as there is no test for determining when an adversary is logically dead, and as your correspondent may start up with the exclamation that by reason of certain changes—admission into the Union—organization of independent government—sovereingty, and what not—Kentucky, Tennesse, Alabama, and Mississippi are not entitled to a right conferred upon them when territories were designated as original states, I must make another observation. There have been (there can be) but two possible changes—1st, change of name—2d, change of condition. Had the called "District of Kentucky" in 1787 lost the right alluded to of reclaiming fugitive slaves, by taking the region name of the "*State* of Kentucky" in 1792, then would the Virginia of 1795 have lost the same right, had it seen fit to assume the name of "Victoria" in 1840. *Reductio ad absurdum*. Once more, Were any change, political, civil, judicial, military, social, or physical, able to wrest such right from the *District* of Kentucky, then changes of similar nature (and there have been enough of them in Virginia since 1792,) have wrested such right from other portions of the territory, that is, from Virginia. *Reductio ad absurdum*. The fact is, Kentucky, Tennessee, Alabama, Mississippi have an equal right to call themselves *original States*, and the "thirteen," the *old States*, as your correspondent to call the "thirteen," original States and Kentucky, Tennessee, Alabama, and Mississippi the new States.

Is a single word more is necessary to show that any slave escaping from one of these four States into Ohio, is, according to the very letter and spirit of the ordinance, a slave escaping from the original *States* in the *North Western Territory*? The erection I repeat of the counties, districts, or section, south of the Ohio river into states, no more changes the idea or fact embraced by the phrase, *original States*, than the creation of States north of the Ohio river, changes the idea or fact embraced by the expression *North Western Territory*. The ordinance provides for all of the original States and for all of the North West Territory, and if the organization of States out of these regions changed that provision of the ordinance, such organization, as it had not the necessary common consent, was unlawful—a proposition that will not be insisted on for a moment. Such organization did not change the ordinance, and therefore its provisions apply now to the territory embraced by Kentucky, Tennessee, Mississippi and Alabama, as forcibly as they applied to the same territory in July, 1787. The phrase *original States* did not exclude that territory then, as it does not exclude it now. The article in the Constitution of the United States, extends the exception in the ordinance to all the states, and of course to Louisiana, Arkansas, Missouri, and to any States to be hereafter carved out of the Territory beyond the Mississippi river. Without the Constitution of the United States. Slaves escaping from Kentucky, Tennessee, Alabama and Mississippi, might lawfully be reclaimed under the ordinance.

Your correspondent, acknowledging the binding force of the ordinance, must flee, with his theory, for refuge, into Louisiana, Arkansas. and Missouri, but with the Constitution of the United States slaves escaping from either of these three States, may likewise be reclaimed—Nothing is wanting. The provisions on this subject are comprehensive and complete. Therights of the slaveholder are, in this matter, encouraged and can at any time be enforced.

"Why this limitation of the provision to the original States was made," writes your correspondent, "may be satisfactorily accounted for, from the prevailing sentiment of the times. Neither the Congress of '87 that passed the ordinance, nor the convention that formed the constitution, nor the congress of '89 that ratified the ordinance without alteration, expected that any new State would ever be admitted into the Union, as a slaveholding State—that the honorable hopes &c." To my mind this is no "satisfactory accounting for" the limitation at all. Those bodies certainly did expect that new States would be admitted into the Union as slaveholding States, else why the limitation in the ordinance, and the formal, distinct, express extension of it in the Constitution? If there were to be no slavery in the "new" States, this limitation seems altogether nugatory. Apparently, it was introduced for the purpose of limiting to the original States a certain privilege—the privilege of reclaiming runaway slaves. What was the sense of expressly creating such privilege, limited in its application, if there were to be no new States with slaves, to which it might by possibility, be extended?—Such limitation warrants the remark, that its originators in the expectation that new slave states would be admitted into the confederacy, were anxious to annex this privilege firmly and indissolubly to the original States. It warrants a conclusion exactly opposite to that stated by your correspondent, and his argument cuts its own throat.

The above remarks are applicable only on an admission of the truth of your correspondent's hypothesis that original States are so designated in order to contradistinguish them from certain new States to be hereafter created beyond the limits of the territory provided for in the ordinance. But if that hypothesis be not well founded, then is the inference of not only your correspondent incorrect as before, but also incorrect is the inference which I have drawn from that, for a moment admitted supposition. And now I ask this question:—is not the expression *original States*, found in the ordinance, used merely to contradistinguish the thirteen States, one of the parties to the compact; from the people and States of the North West Territory, the other party to this compact, and not to contradistinguish them from the States at some future period to be admitted into the confederacy? If so, the limitation in question has nothing to do with any new, future coming states. It is no evidence of any "expectation" about them at all. It is merely a provision introduced by one party for its own benefit. And this I believe to be the true basis on which should stand the expression *original* States. They called themselves *original* because the term was an appropriate one to designate them in the ordinance, and to distinguish them from the other party, with whom they were contracting. Neither expressedly or impliedly, is the ordinance any third party ("new State," whether slaveholding or not) to which the word original stands in any relation. It is not necessary to snppose a third party, in order to justify the introduction of that word. Its introduction was necessary in order to conveniently distinguish the *first* party—i. e. thirteen States—from the second party—ie. e. the people and the States of the North Western Territory. It follows from this view of the meaning of the phrase *original* States and I ask for it your close and candid scrutiny, that the "limitation" spoken of by your correspondent was not a limitation. The exception in the ordinance which he calls a limitation was an extended exception. It was extended as far as could be extended. Not until the Constitution of the United States had made a larger provision on the same subject, did this exception put on the aspect of limitation. Not until the Constitution had made an exception for all the States, did the exception of the ordinance made for thirteen States, assume the character of a limitation. Thus it appears that the framers of the ordinance, instead of introducing into that instrument a limitatton, on this snbject really made an exception as large and comprehensive as they could make it. The Constitution afterwards converted it into a limitation. This limitation, instead of being referred to its true author, the Constitution of the United States, is, by your correspodent referred to the framers of the ordinance, who were not its true authors but on the contrary, the anthor of an acception as broad as the jurisdiction which they could possibly exercise.—To say that the framers of the ordinance introduced into it a limitation to the right of reclaiming runaway slaves, is to state an untruth, and then to argue therefrom, that the Congress of '87 that framed the ordinance," did not expect that "any new State would ever be admitted into the Union as a slaveholding State," is a fallacy which has not even the merit of starting from right premises. Without presuming to "satisfactorily account for this limitation," I will venture to suggest that its true character and the inferences it warrants may be recognized in the above statements.—The thirteen States secured for themselves the exercise of a right which in the event of future accession of States might have become an exclusive right. A power mightier than that which framed the ordinance, the sovereign people of the United States—revealing thro' the Constitution its will that such right should not be an exclusive one, but that it should be enjoyed by every one in the Union.

I. A. J.

ANOTHER SLAVE CASE.—Lucy Fagins, a colored girl, was brought before Judge Wilde in Boston, on the 16th inst., on a writ of Habeas Corpus. She was a slave in Richmond, Va., and hired of her master by a person named Ludlaw. Ludlaw being absent from home on account of his wife's ill health, heard of the dangerous illness of his wife's father, Capt. Dunbar of New Bedford, and immediately came to that place with his wife and family, briging Lucy to take care of their children.

Ludlaw's answer admitted that the girl became free by coming into Massachusetts, but that she wished to remain in his family. Ludlaw's counsel then suggested that she wished to remain in his family. Ludlaw's counsel then suggestod that the Judge should examine her privately, to ascertain her wishes in this respect, in order that her mind might be free from any influence. No objection being made to this course on the other side, the girl retired into the law library with the Judge. An interval of great anxiety to the persons present ensued.—After a few minutes the Judge returned with Lucy, and stated that she chose to be free, and remain here. This declaration produced a thrill of delight in most of the spectators. Lucy was accordingly discharged.—*Mass. Spy.*

THE PHILANTHROPIST.

EDITED BY G. BAILEY, JR.

CINCINNATI,

Wednesday Morning, July 28, 1841.

THE GREAT QUESTION.—ORDINANCE OF '87

We make no apology for occupying our paper this week chiefly with the discussion of the ordinance of '87 in its bearings on slavery. It a vast question, and every citizen should be fully informed in regard to it. If settled as we believe it ought to be settled, then Ohio will no longer be the race-ground of the slave hunter—she will be under no obligation to deliver up slaves escaping from Kentucky, Tennessee, Missouri, Arkansas, Mississippi, Louisiana, or Alabama. The moment a slave from any of these States shall touch her soil, that moment his chains will fall off, "and slavery expire." This result is so appalling to multitudes, that they will shrink from believing any doctrine that may lead to it.

The first article on our first page, in support of our position, is from the pen of a professional man, one highly distinguished in our cause.—The three which follow, the last of which is on the second page, comprehend the arguments of three gentlemen, members of the bar, one of them standing among the first in his profession; the others being well known in the literary world. The gentleman who wrote them, and to whose research and ingenuity, the arguments owe their chief strength, is the author of a work which has been highly commended by the press and the public. It may be safely assumed then, that we have the force of the argument against us, fairly presented in these articles.

Our own article in reply to these has just been published in the Cincinnati Gazette, and as it is no harm for a man to quote himself, we give it in our own paper.

ORDINANCE OF '87

Mr. EDITOR:

I admire the spirit in which the discussion of the anti-slavery bearings of the Ordinance of 1787, has been conducted in your paper. The good temper, ability, and fairness of argument that have marked its progress, show that your correspondents are well qualified to grapple with this great question. "I. A. J.," I consider has made the strongest argument possible in favor of his position; but to my mind it is inconclusive. Permit me, sir, in the absence of "J.," to offer a few remarks on the objections he urges against the views presented by that writer in a former communication.

1. After having endeavored to prove, that there is an absolute conflict between the federal constitution, and the ordinance of '87, as it regards their respective provisions concerning fugitives from labor, he argues, that the constitution alters the conflicting clause in the ordinance, because, the "United States in Congress" originated the latter, while the *people* of the United States gave birth to the former: and the people have decided the question, by declaring, that "this constitution and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land."

My answer to this is, that no third party, whatever its pretensions, can render void an agreement antecedently entered into by two parties, competent to make such agreement—without their consent. No one has ever denied, that the Congress of the United States under the confederation, and the people of the Northwest territory had a perfect right to form such a compact as is contained in the ordinance of '87. Once made, and declared by them to be unalterable save by common consent, "we the sovereign people," had no more right to abrogate or alter it, than we have to pass laws impairing the obligations of any other contract. Suppose, a certain treaty had been made by Congress under the confederation with a foreign power, some of the provisions of which should have been repugnant to some parts of the federal constitution, subsequently adopted, would the conflicting provisions of the treaty have been overruled, or altered, by that instrument, because those who formed it, were the sovereign people? The faith of the nation not even "we the people" have a right to violate.

Was this ordinance then a compact, or rather did it include a compact? If so, your correspondent himself admits, that "there is nowhere any power, that may rightfully alter a single article of it, *except* such power reside in the parties themselves, and except such alteration be made by *common consent*.

2. This question gives birth to the second argument of "I. A. J.," by which he strives to show, that the ordinance is not in any part a compact, because it does not possess the essential characteristic of one;—*there were not two parties to it*. Several answers might be made to this, but I prefer here, a *fact* to an *argument*. Your correspondent says, that it was not until April, 1788, on the first arrival of settlers at Marietta, that a second party existed. If he had looked carefully at the first part of the ordinance, he would have seen the following clause of guarantee—"Saving however to the French and Canadian inhabitants, and other settlers, of the Kaskaskias, Saint Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property." There was then a second party, at the date of the passage of the ordinance, consisting of the inhabitants of the Kaskaskias, Saint Vincent's, and neighboring villages; so that the essential characteristic of a contract did exist.

I am content to leave this argument of your correspondent without further remark, especially as he himself evidently does not regard it as valid. "I do not, however," he says, "for myself insist peremptorily upon the just presented view. I prefer contemplating the ordinance in the character in which your correspondent considers it; as being or creating a compact." And in another place, after having concluded an exhibition of facts from which, as he thinks, the common consent of both parties may be justly inferred, he concludes, that no slave from a new state can be reclaimed from Wiskonsan, because the common consent of the people there, has not been obtained to an alteration of the compact. As this is a matter of much consequence, we give his own language. "There have been seventeen unequivocal declarations, by the people in seventeen states, each speaking omnipotently for itself, expressing portions of this common consent, and when Wiskonsan shall have accepted the constitution of the United States, the only remaining portion of that common consent will be finally manifested. *Until this time, it seems to me, that so far as the claim in question is concerned, Wiskonsan is still governed by the ordinance of '87, and consequently slaves escaping into its territory, from any but the original states, cannot lawfully be reclaimed.*"

The unavoidable inference from this is, that the writer has no faith in his first argument—that the *people* being the supreme power, had a right to alter or overrule the ordinance; or in his second argument—that the ordinance was indeed no compact, because there was but one party to it. This admission abbreviates so much the argument, that if your correspondent had thought of it in time, he might have saved himself some labor. He and I then agree that the ordinance was a compact; that there is power no where to alter it, save in the two parties themselves; that the common consent of both is necessary to any alteration; and that unless this common consent has been obtained, to an alteration of the sixth article, no new slave state has any right to reclaim its slaves from any part of the Northwest territory. Certainly I am gratified in being able to agree with your correspondent on so many points.

3. The question now to be considered, is, has this common consent been obtained? "I. A. J.," contends that it has, and endeavors to sustain himself thus:—There is an absolute repugnance between the sixth article of the ordinance, and the clause of the federal constitution providing for the reclamation of fugitives from labor. The former establishes liberty as the fundamental law of the Northwest territory, with the single exception, that slaves escaping thereto from any one of the original states, may be reclaimed. The latter excepts to this fundamental law still further, by providing that slaves escaped from *any* of the states may be reclaimed. In so far, it alters the sixth article of the ordinance. Now, the thirteen original states, in accepting the constitution, sanctioned this alteration; their portion of the common consent then was obtained. In 1802, Ohio entered the Union; and subsequently, Indiana, Illinois, and Michigan, all of them accepting the constitution, which thus altered the ordinance; and of course, *their* portion of the common consent has been obtained.

This is his entire argument on this point, if argument it may be called. For if the reflecting reader will analyze it, he will soon perceive that it consists of mere assumptions from beginning to end. (I mean no disrespect to your correspondent.) But they are set forth with so much plausibility, urged with such confidence, and detailed at such length, that the mind at first view is apt to mistake them for sound argument. Let us see whether we can detect their true character.

The first statement in his series of statements, on which in fact his other statements depend, is, that there is an absolute conflict between the clause of the federal constitution relative to the recapture of fugitives from service, and the sixth article of the ordinance of '87; and that the former alters the latter.

The last part of the statement assumes the very thing to be proved—*an alteration of the ordinance!* The ordinance declares that there shall be no alteration unless by common consent. The common consent must then *precede* the alteration. But, according to your correspondent, the common consent *follows* the alteration;—that is, the federal convention alters the ordinance, and the parties to it then sanction the alteration. Where is the proof that the convention did or intended to do, any such thing? None is presented.

As to the first part of the statement, I deny its truth. It is not true that the said clause in the federal constitution is *absolutely* repugnant to the sixth article of the ordinance—because it admits of a natural construction, which reconciles it with the article. Under the articles of confederation no regulation existed among the states in regard to the recapture of fugitive slaves. The ordinance of '87 contained the first provision for reclamation. The federal constitution being formed about the same period, it was thought advisable to *extend* the conveniences of such a provision, by making it binding on the other states. Hence the clause in the constitution, which was in fact a clause of compact between the original states themselves, and such other states as might be formed, *beyond the sphere of action of the ordinance of '87.* The states to be formed in the Northwest territory, being bound by a prior compact on this point, and of necessity not being represented in the federal convention, were evidently no parties to the new compact *in this particular.* This construction, while it harmonizes the constitution and ordinance, does no violence to the former; neither can it be regarded as inequitable. For in the language of "J."—"The original States as well as most of the 'new' States have come under no conventional restriction against the establishment of slavery. With the exception of the States made out of the Northwestern territory, they all have been, are, or may (if they choose) become slaveholding states. A perfect reciprocity may exist *among them* as to the delivery of fugitives from labor, but it never can with Ohio. She has debarred herself *forever*, if she adhere with good faith to the ordinance, from becoming a slaveholding State. As she can never have any runaway slaves to reclaim, this friendly office that is asked of her by the slave States, can never be reciprocated. There is, then, ample reason why she should not be bound to do it. For it is not with states—political communities—as it is with individuals. They confer no gratuitous *favors*—unless on *inferiors*. If one state grant a privilege or benefit to another, it is only in view of an equivalent being rendered."

The construction we have given to the clause is then an equitable as well as a natural one.

We shall now attempt to demonstrate, that it is unreasonable to suppose, that the framers of the federal constitution, or the thirteen original states, ever intended to give their consent to an alteration of the ordinance; and that, if they did so intend, their consent was entirely inoperative.

It is unreasonable to suppose that the federal convention of '87 intended to change the ordinance, or give their consent to any change therein, because they must have known, that being the representatives of but one party, they had no power to alter it, and that their consent was nothing so long as the consent of the second party was wanting. Therefore the provision they adopted in regard to fugitive slaves, must necessarily be understood as limited by a prior compact, which they, *alone*, had no power to abrogate or alter. Let us again suppose that a treaty had been formed with a foreign state, by the Congress of the confederation, to continue in force until a period long after the date of the formation of the federal constitution. The framers of this instrument, in devising a form of government for a great nation, found it necessary to introduce certain provisions, which, although conflicting with a certain article of the treaty, were under all other possible aspects, legitimate and proper. For this reason they were expressed in general terms. We ask, whether the article in the treaty can be set aside by such provisions, or whether the framers of them could have *intended* such to be their effect? On the contrary, must they not have intended that these provisions should be understood and construed as limited by the article in the treaty? The answer must be in the affirmative, because we are not at liberty to presume that a nation or its representatives would deliberately resolve to violate the national faith. Hence we have no right to presume that the federal convention of '87 intended to violate a compact, which had been previously made by the states which they represented, with the people and states of the Northwest territory.

The second point we make is, that had such been their intention, it must of necessity have proved inoperative. For, *one* party could not alter a compact, declared in the most emphatic language *to be unalterable, unless by common consent*—that is, the consent of *both* parties. The clause in the federal constitution then, supposed to conflict with the sixth article in the ordinance, must be construed as limited by this article; and thus is all conflict obviated, between these two noble instruments, and their harmony is revealed.

Is it then reasonable to suppose that the *thirteen original states*, in adopting this constitution, with the clause so often referred to, intended to give their consent to an alteration of the ordinance? Certainly not; because the instrument proposed for their adoption, if the foregoing argument be sound, contemplated no such alteration; and because, had an alteration been contemplated, it is not to be presumed that the thirteen states would have given their consent to it, when they were perfectly aware that such consent would be nugatory.

But suppose such consent had been given, *intellectually*—for your correspondent, I believe, contends not for consent given in any other way—what would it have availed? Would it have sufficed to change the ordinance? Your correspondent has answered—"there is nowhere any power that may rightfully alter a single article of compact in the ordinance; *except* such power reside in the *parties* themselves, and *except* such alteration be by *common consent*." He says this on the supposition that there is a compact, which subsequently he assumes to be a *fact*. It follows then as a direct inference, that the acceptance of the federal constitution, by the original states, produced no alteration in the ordinance.

From the date of the adoption of the constitution down to 1802, the ordinance continued therefore, in all its force, unaltered in a single article. The action of the convention that framed, and the state conventions that adopted, the constitution, had been concluded—had spent itself; and yet the ordinance remained, I repeat, in full force, unaltered.

In 1802 Ohio came into the Union, and accepted the constitution; and in this way, says your correspondent, gave her consent to an alteration of the ordinance. How could she give her consent to that which *was not?* For we have before proved that, either the thirteen original states did not yield their consent to any alteration; or, if they did, that that consent was inoperative—the constitution being adopted, with the limitation of the ordinance upon that clause of it which relates to the recapture of fugitives from service. Ohio then did not grant her consent to any change of the ordinance; and this inference is corroborated by the preamble to her constitution, in which she asserts the right of admission into the Union, "consistent with the constitution of the United States, *the ordinance of* 1787," &c.; whereby it plainly appears, that she herself thought that these two instruments were harmonious. But, their harmony, as we have seen, can only be secured by construing the clause of the constitution relating to runaway slaves, *with the limitation upon it of the sixth article of the ordinance.*

The same train of reasoning might be pursued in relation to the admission of other states, but I have said enough, it is hoped, to show the fallacy of my friend's statements.

4. I proceed now to review the fourth and last leading argument of your correspondent. It is this:—'The ordinance of 1787, in providing for the reclamation of slaves escaping from the original States, actually provides for the reclamation of slaves escaping from Kentucky, Tennessee, Alabama, and Mississippi, inasmuch, as on July 13, 1787, when this provision was made, the territory of these four States, was altogether, without any reservation, included in the expression "original states." Your correspondent assumes this point, as if it were incontestable. I grant then, that the territory of these four States was included within the bounds of the original states at the date of the passage of the ordinance; and my answer is, that as States, they never were parties to the compact. No ingenuity of logic can convert them into original states, any more than it can convert children into their parents—and no lawyer, after well considering the matter, will maintain that a new State has the same rights as an old one, because it was formed out of that old one, any more than he will contend that a son has the same right as his father to a piece of land in the possession of the latter, because he sprang from his loins.

According to the doctrine of your correspondent, Kentucky ought not to have applied for admission INTO the Union, for she was never OUT of it: when she became separate from Virginia, with the requisite population, she had without any act of Congress, the same right to vote for President, and send representatives to Congress, as Virginia, because these rights were secured to the parent State, while as yet Kentucky was within her bounds! Let us say Virginia owed a debt to Pennsylvania, before the Constitution was formed. Could the creditor hold Kentucky responsible on her organization as a State, because the debt was contracted while she constituted a portion of Virginia?—Suppose that Virginia and North Carolina, had remained independent, absolute sovereignties, and had negotiated a treaty with Great Britain, by which she agreed to confer on them the exclusive privilege of supplying her ports with tobacco. In process of time, Kentucky and Tennessee, districts of these states, at the formation of the treaty, separate, and also become, each, a sovereign, an independent State.—Would they, under the same treaty, enjoy the right of exporting tobacco into Great Britain? To ask the question, is to answer it. The moment they should become independent states, they would cease to participate in the duties or privileges of the original states.

Again—a controversy has arisen between N. York and Virginia, in relation to a demand made by the latter for certain citizens of the former, as fugitives from justice. Let us assume that the construction placed by the executive of New York, on the clause of the federal constitution respecting the surrender of fugitives from justice, is allowed by the states to be correct. Suppose then, that with the consent of Congress, these two states should enter into a compact, by which for a certain consideration, New York should bind herself to deliver up as fugitives from justice, persons charged with the abduction* of slaves from Virginia. In due time a portion of Virginia is separated and organized into a State, just as was the case with Kentucky. Will any jurist say, that this new State could claim any thing from New York, by reason of the said compact, which had been entered into before the separation took place?

The argument of your correspondent, I think answered.

In conclusion, as to his criticism on the word "*original*," it can be of little weight, I presume, with any mind familiar with the state of public sentiment at the period when the ordinance of '87 was adopted. Permit me here, sir, to make a quotation from an article I have written elsewhere, which may throw some light on the reason, why the Congress that passed the ordinance, used the restrictive word, "*original*."

[Here followe part of an article we wrote a few weeks since, in the Philanthropist, which illustrated the public sentiment of the revolutionary period. It is needless again to publish it in our paper.—ED. PHIL.]

*According to the construction of the Executive of New York, this is not a crime within the scope of the clause of the constitution, respecting fugitives from justice.

THE HOME SQUADRON—SOUTHERN WEAKNESS.

The report on a Home squadron, by Mr. King of Georgia, (in the House, July 7th,) is a very interesting paper. We have no objection to this project: our coast ought to be secured against an invading enemy. But, who can help seeing that such a squadron is demanded by the weakness of the South, more than any other circumstance?—and whence came this weakness? From slavery, that accursed system, which yet aspires to rule the government, and shape all its policy. Take for instance the following passage in Mr. King's report. Speaking of the little security afforded by the fortresses on the coast, he says:

"They would not defend us against the armed steamers of an enemy, which might pass them in the night, or avoid them by entering habors where there are no fortifications. This last remark is *peculiarly applicable to the Southern coast*, where there are numerous harbors on the Atlantic and the Gulf of Mexico, and not a fort, from Charleston to Mobile, in a condition to fire a gun. In the event of a war with France or Great Britain, the fortifications at Pensacola, and perhaps others, might be seized and held by the enemy, or any of our unprotected harbors might be entered by fleets of armed steamers *loaded with black troops from the West Indies to annoy and plunder the country*. The northern portion of the Atlantic coast, where such vast sums have been expended to place it in a state of defence, would by no means be secure against the rapid movements of such an enemy."

There would however be this advantage in favor of the North—her working men would be a rampart, against which even the power of steam could not prevail—while your working men, Mr. King, would be the allies of your invaders. The following extract from the report gives a fearful picture of the perils to which the whole

country is subjected by this slavery, which is such a favorite with the American people.

"As connecting itself immediately with this subject and calling for the most vigilant course of policy on the part of the Government of the United States, the committee beg leave to call the attention of the House to the measures now being adopted by Great Britain to keep afloat and actively employed on our Northern coast and in the West Indies a large number of steamers of the largest class; many of them with their guns on board, and the others at all times ready to receive them.

Some time since, a contract was made with that Government by Mr. Cunard and his associates, to carry the Royal mail from Liverpool to Halifax for the sum of sixty thousand pounds sterling, or $291,600 per annum. In compliance with this contract, four steamers have been constructed and placed on the line, of twelve hundred tons burden and 450 horse power each. These vessels leave Liverpool and Halifax every fortnight, and perform the trip across the Atlantic each way with great certainty in twelve days. These steamers are commanded by officers of the Royal Navy, and are to be at all times subject to the orders of Government. So great have been not only the facilities afforded to commerce and intercourse, but saving to the revenue in the cost of carrying the mail, that it is now proposed to double the number of steamers, that they may leave their respective ports every week instead of every fortnight. The London Journal of Commerce, says: 'Under the old packet system, between Falmouth and Halifax, by the gun brigs, the expense to Government was about forty thousand pounds sterling annually more than the receipts of postage. By the line of Cunard's steam ships, a balance of twenty thousand pounds appears already to the credit side of the Atlantic mails.' This line has been extended to Boston.

On the 20th March, 1840, a contract was entered into between the Commissioners of the Admiralty and "the Royal Mail Steam Packet Company," for conveying "all her Majesty's mails" from such ports in the British channel as the commissioners shall prescribe, to the Wast India islands, the coast of South America, Mexico, and the United States, touching and delivering the mails at the ports specified on the map annexed to this report, on which are traced the various lines of communication to be established in pursuance of the contract. The company is bound to "provide, maintain, keep seaworthy, and in complete repair and readiness," for the purpose of conveying the mails, "a sufficient number--no less than fourteen--of good, substantial, and efficient steam-vessels, of such construction and strength as to be fit and able to cary guns of the largest calibre now used on board of Her Majesty's steam vessels of war." To adopt from time to time, and at all times, such changes or improvements in construction, machinery, armament, and rigging, as the commissioners may require. To carry a certain number of Government officers and men, at a stipulated price, and at all times to hold their vessels subject to the orders of such officer as may be placed on board to assume command. This company is to receive two hundred and forty thousand pounds sterling per annum, which may, in certain events, be increased to three hundred and ten thousand, or to $1,388,800.

These steamers are all in rapid progress of construction. They are to be about 1,500 tons burden, and to receive engines of 500 horse power each. Those that have been launched are estimated to be in all respects equal to sixty gun frigates. "Thus," it is said, "the country will be doubly served; and, while it pays to the mail company 240,000 pounds per annum for the transport of the mails, it will defray, by the same payment, the annual charges of the largest and most powerful steam fleet in the world, fully armed with the heaviest ordnance, to act as war-frigates when required by the Government for that purpose." To which may, at any time, be added the steamers employed in Cunard's line, and those running from London and Bristol to New York. It is also said to be in contemplation to establish another line from some port in England to St. John's, New Brunswick, under a contract similar to that made with the Royal Mail Steam-packet Company. All these lines will soon be in full operation and employ at least twenty-five, and perhaps thirty, steamers of the largest class and most approved construction; those on the southern line, and probably those on the northern lines also, having their guns on board. These steamers are to be commanded by officers of the Royal Navy, and to carry such number of officers and men as the Government, under certain regulations, may require, who will thus derive all the necessary instruction to enable them to command and manage vessels of this description. Of the fourteen designed to carry the West India mails, at least ten will be constantly employed in conveying them on the various lines as traced on the map hereto annexed; and it will be seen by reference to it that this formidable fleet will be at all times within three or four days' run of our Southern coast. In the event of a declaration of war by Great Britain against the United States, as she will, of course, possess the information necessary to enable her to concentrate her force, all the steamers in the West India mail service can be collected at any point on the southern coast by the time the declaration would be communicated to the President. Those employed on the Northern lines to New York and Boston, may commence hostilities before the least preparation can be made to meet them. Depots of coal are to be established at Halifax and at several ports in the West Indies, from whence these fleets can be supplied, and the prediction made some years since by an intelligent and experienced British officer, that their sailing ships of war would become coal carriers to their steamers, will be fulfilled.

There are, it is said, at this time, ten thousand black troops in the British West Indies, and that orders have recently been issued to increase the number to twenty-five thousand. These troops are disciplined and commanded by white officers, and, no doubt, designed to form a most important portion of the force to be employed in any future contest that may arise between Great Britain and the United States; and, by reference to the map of the West India mail lines, it will be seen that, in our present defenceless condition, a force composed of armed steamers and troops of that description would not only give great annoyance to our coast, but most effectually and at once put a stop to all communication around Cape Florida, or through the passes of the West Indies, to or from the Gulf of Mexico, and, consequently, the commerce of the great valley of the Mississippi must fall into the hands of the enemy, or its vast productions, cut off from market, be rendered valueless."

There is but one way in which the South can save itself from ruin, in the event of a war with Great Britain—and that is, *by emancipating all her slaves, before the enemy could sound the tocsin of insurrection.*

COMMUNICATIONS.

We have on hand several valuable communications, but, as we yielded so much space to correspondents last week, we thought ourselves at liberty to lay them over till next number.

FLORIDA NEGRO HUNT.

From a letter published in the Savannah Georgian, July 7th, we learn that the activity and zeal of the troops under Col. Worth's command are highly spoken of. A decided advantage has been gained, in the capture of one squaw with her two children! We have a Fredoniad: who shall write a *Floridiad?* Certainly this great negro hunt would make a noble epopee.

WHEAT CROP.—It is generally conceded that the wheat crop of the United States will be an average one.

MCLEOD.—The rumor that the British minister had demanded his passports, turns out a fiction. It is supposed he will await the result of the trial of McLeod in New York.

CUBA—THE SLAVE TRADE.—Some of the leading inhabitants of Cuba are becoming alarmed at the increase of slaves in that island. In 1775, the colored population numbered but 25 per cent. of the population—now they constitute 60 per cent. From 1835 to 1839 inclusive, about 35,000 white persons entered at the port of Havanna, not more than one half of whom would become permanently resident—while during the same period, 63,000 slaves were imported from Africa. A memorial has accordingly been presented to the Captain General, against the slave-trade, as hostile to the best interests of the island, in multiplying the number of the "natural foes" of the whites. There are about 660,000 colored persons on the island—900,000 free blacks in Hayti, 400,000 in Jamaica, &c., &c. The proper authorities will have to abolish slavery in Cuba, or it will be abolished for them. When the 600,000 slaves there start up into free men, how will the slave-holding South fare in the neighborhood of the two millions of free blacks in the West Indies?

MORE LYNCHING IN ILLINOIS.—The Galena Gazette of the 8th inst., says that from various sources it learns that Daniel Driskill, together with Aiken, has been arrested, and the former tried and sentenced to be shot on the 7th, by the sovereign mob. The press of the Rockford Star, which was honest enough to rebuke the proceedings of the former mob, was assailed by their majesty, and nearly destroyed on the night of the 5th. The horse thieves were better than these wretches—for we do not hear that they attempted to destroy the liberty of the press.

INSANITY.—Insanity is becoming very prevalent. The man who murdered his wife in the upper part of this state was acquitted on the plea of insanity; and it is understsood that the defence in the case of Sells who lately butchered Clark, the guard in the penitentiary, is to be *insanity*. It would seem as if the disposition were almost universal to screen crime from punishment. It is rather a gloomy thought that, while crimes are multiplying all over the country, the people seem determined to relax law, and confer impunity on the criminal. If such wretches be indeed insane, let them be confined—and for life, we should say—for it is no more agreeable to be murdered by a man with a wrong head, than a bad heart.

THE WEST UNION BANK.—This bank has at last blown up. A large amount of its trash is in circulation, and as usual, the poor will have to be the sufferers.

TRADE ON THE ERIE CANAL.—The correspondent of the Cincinnati Chronicle says—"The quantity of Flour delivered on the Erie Canal during the second week of the current month, was 44,939 bbls.; of Wheat 15,678 bushels.

STEAM NAVIGATION—ATLANTIC AND PACIFIC.—The first steamers, the Peru and Chili, of 700 tons, and nearly 200 horse power, reached the port of Talcahuano, March 20th, after a passage of 55 days from London, through the straits of Magellan! The establishment of steam-navigation in the Pacific is an event of great importance; and will be productive of great consequences, especially if the Atlantic and Pacific should be united at the Isthmus of Panama. A writer in Talcahuano, says—

"I have ocular evidence that the junction can be effected with infinitely less difficulty than is imagined. I passed over the Isthmus on my return to this country without overcoming a height of forty feet, and a distance of twenty-eight miles. This is but a barrier of straw when compared to the vast results which will be produced. I sincerely hope that one of the first acts of the Government will be to investigate this, to us more than to any other nation in the world, all important matter. Our statesmen cannot but look forward to the period when our Western frontiers will reach the Pacific, and when the population of the United States reaches that coast, of what infinite value will a water communication through the Isthmus of Panama be to us. It may perhaps be thought too speculative to indulge in such views; but when I reflect that twenty years only, the time which I have resided on this coast, has witnessed one of the most important political and commercial revolutions which have ever taken place, I cannot but view the period of these great changes to which I have referred, as much nearer than we imagine."

FOREIGN.—The steamer Caledonia, after a passage of 13 days, arrived at Boston, July 17th. England was in a state of great excitement on account of the elections, which in some places were attended with bloodshed and death. The returns had not all been received, but the Tories had gained somewhat on the Liberals. It is thought that the Irish and Scotch constituencies would make up the loss of the latter. Lord Palmerston had been defeated, but may again run from some of the smaller boroughs.

The news brought overland from China, were not very important, but rather unfavorable to the British.

The war spirit is again rising in France. Some difficulties had taken place at Algiers.

POPULAR MOVEMENT IN PRUSSIA.—An important popular movement has lately been made in Prussia. The magistracy and deputies of the city of Breslau have presented a memorial to the provincial Diet, praying it to unite with them in petitioning the King to establish the promised constitutional representation of the kingdom, according to the patent of 1815.

MASSILLON.—Massillon in this state is a great wheat mart. The Gazette of that place states:

"The gross amount of Flour cleared at this Collector's Office during the last year, was *forty thousand nine hundred and twenty-one barrels*, which was equal to 204,605 bushels of wheat. And of wheat there was cleared at this place *eight hundred and forty-four thousand, five hundred and seventy-two bushels;* making an amount equal to ONE MILLION, FORTY-NINE THOUSAND, ONE HUNDRED AND SEVENTY-SEVEN bushels of wheat; and this amount annually increasing with the rapid strides making in agriculture by our industrious farmers. But when it is recollected that this is but one of the staple articles of production in this section, some idea may be conceived of the future prospects of Massillon."

TEXAS AND MEXICO.—The government of Mexico has utterly refused any communication from the Texian government, and rejected all mediation.

POLITICAL ABOLITION.—The abolitionists, we see, in several districts of our state have taken decidedly independent political ground.

MOST HORRIBLE.

A most horrible case of Lynching occurred at Coburg, Canada, June 13th. A black man named Carter, and his wife, a white woman, were the victims. The party broke open his door, destroyed his goods, drove himself and wife naked from their beds, abused, beat and robbed him, seized his wife, threw her upon the ground, gagged and held her fast while four of the party brutally assaulted and violated her person in his presence. Warrants were issued and but one arrested, who was held to bail. The authorities of the town are much censured, for not taking earlier measures to secure the guilty. A subcription was opened to make up his loss, so far as it could be repaired with money. But what will compensate for the deep and lasting injury to his feelings and his sensibilities?—Nothing.—*Medina Constitutionalist.*

CONGRESS.

The Senate July 15th was chiefly occupied in debating what it should do next, and the House was in committee of the whole on the Fortification bill. 16th, in the Senate, the Loan bill from the House was taken up and gave rise to an animated discussion. Same date, the House, in Committee of the Whole was occupied with the consideration of the Fortification bill, members taking occasion to discuss the McLeod case at large. It was fully resolved that the bill be taken out of Committee the next day at two o'clock. 17th Mr. Arnold of Tennessee moved to reconsider this vote—stating that from high authority he had learned that every great movement now before Congress would fail, owing to opposition in another place—(the Executive of course.) The House became somewhat frightened, and agreed to reconsider, whereupon Mr. Proffit withdrew the motion to take out of Committee. Subsequently, on motion of Mr. Botts, the House resolved to take the bill out of the committee on the 20th. Despite all the protestations we hear against Executive power, our National legislature appears to be greatly in dread of its exercise.

July 19th, the Senate passed the Loan bill, by a vote, of 23 yeas, and 20 nays. The Fortification bill was considered in Committee of the Whole, in the House, and the discussion hinged a good deal on the weakness of the South.

For the Philanthropist.

DR. BAILEY:—I was not a little surprised to see my name used in your paper of the 14th inst. as one of the prime movers in a mob which you inform us took place on the last Sabbath of June, in Lockland. If it were not that there are many readers of your papers who are not acquainted with the whole matter and consequently unacquainted with the base falsehoods inserted against me, I would have treated it with silent contempt.

I am not disposed to think you have inserted anything in your editorial which you did not receive from your informants, (Boyle* and Miller,) and probably not half as much; but I do think it would have been much better for you to have become better acquainted with the veracity of your informants before you ventured your character, and the character of your paper upon their assertions; for were I disposed I could convince you that these men are not *perfectionists* in this great article of christianity, however perfect they may be in other things.—That "friend James Boyle" came to this place to deliver an lecture on Anti-slavery, and that the boys did cast eggs at him, and a certain Medco Botanical Dr. Miller, I am not disposed to deny; but why should I be implicated or called a hisser on? Is it because I was there? Then all are implicated who were present. Is it because I am opposed to abolitionism, or did not assist the abolitionists to disperse the boys?—Then all are implicated, for all the audience were idle spectators of the whole affair. If there were any other reasons at all, why I should have been so implicated, why were they not given, and bare assertions without proof?

As for the boys, I am not their judge. They stand before their country's laws, either guilty or acquitted. I think Mr, Editor, had you been conversant with the whole case, you would not have expressed yourself so rashly and prematurely in this matter. There is no effect without a cause and we are disposed to think that if you will hear the cause of the whole commotion founded on the conduct of these two men, you will at least be disposed to justify the citizens and myself for our non-interference in their behalf. We are very little acquainted with "Friend James Boyle," but his conduct since he came to this place has been far beneath that of a gentleman and his professions. He came to this village last Spring, having with him a petition, asking the right to discuss the subject of abolitionism in a town some ten or twelve miles from this place. When our citizens informed his dull comprehension that he had that right already if he would use it as a citizen of the United States, he retorted in the most abusive language, calling them bloats, sots, and hell-hounds, and many other epithets not fit to be seen in print.

Some few to get rid of him subscribed their names, who afterwards were published to the world as abolitionists. Now to add to the aggravated nature of his conduct we are credibly informed that he is a British subject: a pretty personage indeed to instruct free born-citizens of proud America in the principles of Right and Wrong!

As for the Dr. Miller spoken of, we have known him several months, prior to which time we are informed by some of his colleagues, he came from Columbus. No sooner had he entered the confines of our happy village than he declared hostility against every conflicting opinion. Those who were so bold as to doubt his ideas of modern Abolitionism, were called thieves, liars, ignoramusses, and traitors to their country.

These are epithets that we do not like to take from strangers, and more particularly from a man of the Doctor's hue.

Females became the topic of his hellish spleen, and received the lashes of his slanderous tongue—forsooth, because they would not swallow his pukes of *lobelia inflata*, and receive his *enemas* of No. 6.

Doctor, no wonder your guilty conscience suspect the ladies for "providing three dozen eggs!" What sir does your character resting on your conduct since you came to this place amount!

"Oh, shame to thee! man of the herbs!
Oh, shame to thy children and thee!
Unwise in thy glory and base in thy curbs
How wretched thy portion must be!
Derision shall strike thee forlorn,
A mockery that never shall die,
The curses of hate, and the hisses of scorn
Shall burden the winds of the sky;
And proud o'er thy ruin forever be hurl'd
The laughter of triumph, the jeers of the world.'

The Doctor was not driven away as he has falsely asserted, but he went away of his own accord. Whether dead or alive at this time we do not know; but if dead, we advise the erection of a monument, to bear the following inscription:

"*Ten in the hundred* lied here engrav'd
'Tis a hundred to ten his soul is not sav'd.
If any man asks who lies in this cellar?
Oh! Oh! quoth the devil, it is *my* Doctor Miller.

LUDLOW PENDERY.

Lockland, July 20, 1841.

* The man who was fined five dollars for Sabbath breaking in Carthage.

JOSEPH STURGE,

Well known as the person to whose agency and influence the abolition of the apprenticeship system in the West Indies was chiefly owing, is now in this country, and, not long since, visited the slave marts in the District of Columbia and Baltimore. Since his return to New York, he has addressed a letter to one of the dealers, in Baltimore, and we are indebted to him for the following copy of it:—*Mass. Spy.*

NEW YORK, 6th Mo. 30, 1841.

To HOPE H. SLAUGHTER, Slave Trader, Baltimore:

Since thou courteously allowedst me, in company with my friend J. G. Whittier, to visit thy slave establishment in the city of Baltimore, some weeks since, I have often felt a desire to address a few lines to thee. I need not perhaps say that my feelings were painfully exercised in looking over the buildings, fitted up with bolts and bars, for the reception of human beings for sale. A sense of the misery and suffering of the unfortunate slaves, who have been from time to time confined there; of their separation from home and kindred, and of the dreary prospect before them of a life of unrequited toil in the South and South-west—rested heavily upon me. I could *there* realize the true nature of the system of Slavery. I was in a market-house for human flesh; where humanity is degraded to a level with the brute, and, where children of our common Father in Heaven, and for whom our blessed Redeemer offered up the atoning sacrifice of his blood, were bargained for, and sold, like beasts that perish. And when I regarded thee, as the merchant in this dreadful traffic, and heard thee offer remarks which might, in some degree, be considered as an apology for thy business—calling our attention to the cleanly state of the apartments, the wholesome provisions, &c., and especially, when I heard thee declare, that thou hadst been educated by a pious mother—that thou wast never addicted to swearing or other immoralities, and that thy business was a legalized one—that thou didst nothing contrary to law—and, that while in thy possession the poor creatures were treated kindly—that families were not separated,* &c., I was glad to perceive some evidence that the nature of thy employment had not extinguished the voice of conscience within thee. In thy sentiments and in the manner of their utterance, I thought I could see that Truth had not left itself without a witness in thy breast, and that a sense of the wrongfulness of thy occupation, still disturbed thee.

To my remark, that thy business was necessary to the system of slavery, and an essential part of it, and, if slave *holding* were to be justified at all, the slave *trade* must be also. I certainly can offer no valid objection; for I have never been able to discover any moral difference, between the planter of Virginia, and the slave dealer of Baltimore, Richmond, and Washington. Each has his part to act in the system, and each is necessary to the other; and, if the matter were not, in all its bearings, painfully serious, it would be amusing to witness the absurd contempt, with which the slave owner of Maryland or Virginia, professes to look upon the trader, whose purchase of his surplus slaves, alone enables him to retain the residue in his possession: for it seems very evident, that the only profitable part of the system, in those States, at the present time, is the sale of the annual increase of the slaves.

In passing from thy premises, we looked in upon the Triennial Convention of the Baptists of the United States, then in session in the City of Baltimore; where I found slave-holding ministers of a high rank in the Church, urging, successfully, the exclusion from the Missionary Board of that Society of all those who, in principle and practice, were known to be decided abolitionists; and the result of their efforts satisfied me that the darkest picture of Slavery is not to be found in the slave jail of the trader, but rather in a convocation of professed ministers of the Gospel of Christ, expelling from the Board of a society, formed to enlighten the heathen of other nations, all who consistently labor for the overthrow of a system, which denies a knowledge of the Holy Scriptures to near three millions of heathen at home!

But allow me, in a spirit, as I trust, of Christian kindness, to entreat thee, not to seek excuses for thy *own* course in the evil conduct of *others.* Thou hast already reached the middle period of life—the future is uncertain. By thy hopes of peace here and hereafter, let me urge thee to abandon this occupation. It is not necessary to argue its intrinsic wickedness, for thou knowest it already. I would therefore beseech thee to listen to that voice, which I am persuaded sometimes urges thee "to put away the evil of thy doings," to "do justly, and love mercy," and thus cease to draw down upon thyself that curse which fell upon those merchants of Tyre, who "traded in the persons of men." That these warnings of conscience may not be longer neglected on thy part, is the sincere wish of one, who, while he abhors thy *occupation*, feels nothing but kindness and good will towards *thyself*. Thy friend.

JOSEPH STURGE,
of Birmingham, England.

*The latter remark of course applies only to the time they remained with thee. For, on the day we visited thy establishment, a friend with whom I was dining, informed me that a few days before, a woman and child had been sold to thee, whose husband and father was a free man, who in his distress had been offering to bind himself for a term of years in order to raise the sum (I think $800,) demanded for them; but, as he had been unable to do so, my friend had no doubt they had been sent off with the very lot of slaves, which we were told by thyself had just been forwarded to New Orleans from thy prison! Who is most guilty in this atrocious transaction—the slave-holder who sold thee the woman and child at Baltimore--thou, the transporter of them forever from their husband and parent--the purchasers of the mother and child at New Orleans, where they may be forever separated from each other--or the citizen, who by his vote and influence, creates and upholds enactments, which legalize this monstrous system--is known only to HIM, before whom the secrets of all hearts are unfolded.

ANTI-SLAVERY MEETING.

At a meeting of the Abolitionists of Harrison county, Ohio, favorable to political action, held in the Court House in Cadiz, July 3d, 1841, Mr. EDWARD VANHORN was appointed Chairman, and *A. F. Hanna*, Secretary. On motion, the Chairman appointed Alex. Wilson, John Walker, Henry Heberling, Geo. R. Jenkins, and Robert Hanna, a committee to prepare and present business for the consideration of the meeting; who (after retiring for a short time,) returned and presented the following resolutions, which were unanimously adopted:

Resolved, That this meeting sustain the nomination of James G. Birney and Thomas Morris, for President and Vice President of the United States, recently made by the National Nominating Convention in New York, and responded to by the political convention held at Mt. Pleasant, Jefferson county, in this State.

Resolved, That we will vote for no man for office (in which he can act officially either for or against slavery,) who does not give us unequivocal evidence that, if elected, he will use his official power and influence, as far as he constitutionally can, in favor of freedom and in opposition to the continuation of slavery in any portion of this Union.

Resolved, That we will meet in this place on the 1st Monday of next August to form independent nominations.

Resolved, That a committee of correspondence be formed to correspond with the voters of this and the adjoining counties on the subject of independent nominations.

The Chair appointed R. Hanna, Geo. K. Jenkins, and A. F. Hanna, said committee.

Resolved, That we adopt the plan of action recommended by the National Nominating Convention, New York.

Resolved, That the proceedings of this meeting be published in the Cadiz papers and Philanthropist.

EDWARD VANHORN, *Chairman.*
A. F. HANNA, *Secretary.*

CONGRESS.

July 20th.—The Bank Bill being under consideration in the Senate, several amendments were offered but rejected. The Fortification Bill was passed in the House by a vote of 148 yeas, 66 nays.

The Bank Bill, after discussion and amendment, was reported, laid on the table, and ordered to be printed.

In the House, Mr. Sergeant reported a bill from the Committee on the Currency, incorporating the subscribers to the Fiscal Bank of the United States, which was read twice and referred to the committee of the whole. The House then went into committee of the whole on the Home Squadron Bill, which appropriated $789,310, for two frigates, two sloops, two small vessels, and two armed steamers, for a home squadron. The bill was reported, read a third time, and passed by a vote of 184 yeas, 8 nays.

MARRIED.

In this city on the 20th inst., by the Rev. Thomas Goodwin, MR. OLIVER NELSON, to MISS MARY WATSON, both of this city.

Received by G. Bailey for Amistad Captives,

Er. Aydelott, $3; M. Lyons, 2; E. Hughes, 1; C. Donaldson, 5; Salem Anti-Slavery Lyceum, (Ia.) 5; Joel Vanmeter, 3; Friend in Louisville, 1; for (30) portraits of Cinque, $21 95; Allen McNeal, $3.

Tract Concern.

The following monies have been received by G. Bailey from friends in the county, since his last acknowledgement, April 7th.

Thomas Hibben, $2; William Bond, 1; Dr. Brooke, $1 45; A. S. Grimes, $1 50; James Judkins, 1; Thomas George, 3, W. Howe, 50cts.; B. Carpenter, 50cts.; David Anderson, 2; Eli Nichols, 2; James S. Gillespie, 1; Joel Vanmeter, 2; John Anderson, 1; Mr. Skaats, 1; Friends in Kentucky, 1; Professor Stowe, 3; E. T. Preston 1; J. A. Shedd, 3; Danl. Dubois, 1.

RECEIPTS.

PLEDGES AND DONATIONS,
From 19th June to 17th July, 1841.

M. Gilbert, on Clinton Co. A. S. Soc. Pledge, $1; Jonathan Collett, on do. do., $6,85; Gilead, Clermont Co. A. S. Society donation, $10; John T. Blair, Columbus, Ohio, $1; Georgetown, Harrison Co., A. S. Society, on pledge by A. H., $5; Fayette Co. A. S. Society, in part on pledge of 1841, $18; Lewis B. Austin, Austinburg donation, $10; H. R. Reynolds, Painesville donation, $1; Harrisville, Medina Co. A. S. Society, in full of pledge made at Massilon, $2,75; A. D. Barber, 25 cts; Joel Wood, Martinsburg, Belmont co., in full of pledge made at Mt. Pleasant, $4; Wm. Keys, Hillsboro', donation, $1,12; Wm. L. Keys, do. do., 75 cts; Treasurer of Hillsboro' A. S. Society, donation, $4,13; J. M. Tracy, Sandusky City, donation, $2; F. D. Parish, Esq., do. do., 62 cts.

CHRISTIAN DONALDSON,
Treasurer.

Contributions received by the Treasurer for Mrs. Lovejoy—sent by L. Tappan.

W. R. Weeks, Newark, N. J., $1; Children of H. H. Kellogg, Clinton, N. Y., $1; Mrs. Belden, New Windsor, N. Y., $1; Mrs. Fuller, New York City, $2; Lewis Tappan, $5; sundry persons at Sanquoit, N. Y., by Mr. A. Gray, $3,50; from a friend at Newburyport, Mass., $5; Newburyport Female A. S. Society, $11; William Lillie, New York City, $5; A. Bigelow, Weston, Mass., $10; William Hill, Newburgh, New York, $1; Fulton, N. Y. A. S. Society, $6,16; Fairhaven Female A. S. Society, by Mercy Wood, Sec., $10; from Ladies' Fair, Hartford, Conn., $50; A. Friend, Philadelphia, by J. D. Hastings, $2. Total—$103 66.

Forwarded by Philetus Glass and Ephraim Smedley, from North East, Erie county, Pa., in letter from Nathaniel West, $10.

Forwarded by James Fuller of Skaneateles, Onondaga county, N. Y. $27,50.

Received from the following named citizens of McConnelsville, viz: Edwin Conner, $1; A. G. Grubb, do., John Stiles, do., J. W. Bosworth, do., Leman Foutz, jr. do., A. N. Hamline, 25 cts, G. Buckingham, $5; W. Hammond, $1, John Perry, do., Geo. Morris, 50 cts, R. P. Brown, $1, R. P. Stow, do., John B. Stout, $1,25. Total—$16.

From the Salem, Iowa, A. S. Society, in letter from Aaron Street, jr., $13. From Robert Galbreath, Neville, Clermont county, O., $2. From Henry A. Chittenden, Hartford, Conn., $50. From H. Stewart, for collection in Bloomingburg, Fayette county, O., and sent by Jas. Boyle. $25. From citizens of New Richmond, Clermont county, O., by Mark Strickland, viz: Daniel Lee, $1; Michael and Eleanor Strickland, $5,50; C. S. Walker, $1; Wm. Swem, $1. Total—$8 50. From Delaware, Racine county, W. T., in letter from E. G. Dyer, $50.

C. DONALDSON, *Treasurer.*

Cleveland Prices Current.

(Corrected Weekly for the Philanthropist.)
July 23, 1841.

WHOLESALE PRICES.		
Ashes—		
Pearl, lb.	4 50	
Pot,	4 00	4 50
Saleratus,	6 00	
Coffee—		
Rio,	12½	13
Java,	14	16
Fish—		
Salmon, bbl.,	24 00	
Mack. No. 1 bbl.	19	
No. 2,	17	
Shad Mass.	26	
White Fish, bbl.	8 00	
Lake Trout,	5 00	6 00
Codfish,	3 50	4 00
Grains—		
Wheat, bush.	100 a 106	
Corn,	40	
Oats,	25	31
Barley,	35	37
Rye,	37	
Beans White,	37	75
Rice, lb.	5	
Hay, per ton,	12	13
Lime, per bush	30	
Molasses—		
N. O. per gal.	37	44
Oils—		
Sperm, gal.	1 12	1 44
Whale refined,	62	1 00
Tanner's bbl.	15	19
Linseed. gal.	75	87
Feathers, live	37	40
Sugar—		
N. Orleans,	8	9
Hav. White,	12	14
Brown,	9	11
Loaf,	15	17
Lump,	12	14
Fruit—		
Rasins, per box,	2 50	
Bloom,	2 00	
G. Walnuts, lb.	10	
Filberts,	13	
D. Apples, bush.	63	75
Dried P. bush.	1 50	2 00

WHOLESALE PRICES.		
Plaster—		
White, per ton	10 00	
Grey,	8 50	
Salt—		
Old per bbl.	1 50	
New	1 62½	
Provisions,		
Beef, per bbl.	——	
Pork, Mess	10	
Prime,	7	
One Hog,	8	
Bacon, Hog round,	4	
Hams,	6	
Shoulders,	4	
Butter fresh,	8	
Cheese New Milk	5	7
Soap—		
Brown, per lb.	6	
White,	16	
Castile,	18	
Candles—		
Tallow per lb.	12	13
Sperm,	50	
Spices—		
Cassia per lb.	25	
Nutmeg,	1 25	1 50
Pimento,	8	
Pepper,	10	
Ginger,	10	12½
Starch—		
City manufacture,	6	7
New York,	——	
Teas—		
Imperial, per lb.	62	1 00
Gunpowder,	63	1 00
Young Hyson,	50	80
Old Hyson,	56	90
Tobacco—		
Manufactured,	12	22
Cavendish,	30	41½
Smok. lb. p. per doz.	1 00	
½ do	50	
Fine Cut	25	
Flour, per lb.	5	5 25
Corn meal, perbush.	44	50

Cleveland Bank Note Table.

(Prepared for the Philanthropist, July 21.)
H. F. BRAYTON, EXCHANGE BROKER.

OHIO.	
Belmont of St C.	par
Chillicothe,	par
Cincinnati,	par
Circleville,	par
Circleville, (c'd 1818)	10 dis
Cleveland,	par
Clinton bk.,	par
Columbiana,	par
Commercial bk Cin.,	par
Commercial bk Scioto,	par
Commercial bk L. Erie,	par
Dayton,	par
Farmers bk of Canton,	par
Far. & M. Steubenville,	par
Franklin bk Cincinnati,	par
Franklin bk Columbus,	par
German bk Wooster,	2 dis
Geauga,	par
Gallipolis,	broke
Granville,	par
Hamilton,	par
Lebanon M. bking Co	—
Lancaster,	par
Lafayette, Cincinnati,	par
Marietta,	par
Massillon,	par
Mech. & Tr. bk Cin.	10 dis
Manhattan	—
Mount Pleasant,	par
Muskingum,	par
Miami Exporting Co,	5 dis
Norwalk,	par
Ohio Rail Road co.,	par
Ohio Life & Trust co,	par
Sandusky,	par
Steubenville,	par
Urbana banking co,	2 dis
West Union,	——
Western Reserve,	par
Washington,	broke
Wooster,	par
Xenia,	par
Zanesville,	par
Ohio Post Notes, 2 & 5	dis
INDIANA.	
State bk & branches,	par
Charleston S'gs In.,	—
N. Albany Ins. co.,	—
Ia. State Srip, $5,	2 to 3 dis
Ia. State Scrip, $50	20 dis
ILLINOIS.	
State bk & branches,	2 dis
Bk Ill. Shawneetown,	2 dis
Bk of Cairo,	10 dis
Illinois State Scrip,	—
Illinois Savings bk.,	closed
KENTUCKY.	
All except the fo'wing,	par
Savings Louisville,	10 dis
Kentucky Scrip,	—

NEW YORK.	
Safety Fund.	6 & 7 pm
Security Banks.	
Am. bk of Buffalo.	30 dis
Binghamptom bk	50 dis
Bk of Com'rce, Buff.	30 dis
Cattaraugus co. bk	30 dis
ErieCo bk Buffalo,	30 dis
Far. bk Seneca co.,	30 dis
James bk	25 dis
Lodi bk of	30 dis
Mer. Ex bk, Buffalo,	30 dis
Millers bk of Clyde,	15 dis
Mech. bk Buffalo,	30 dis
Phœnix bk Buffalo,	30 dis
Staten Island bk	25 dis
Tenth Ward bk.,	10 dis
Tonawande bk of	50 dis
U. S. bk Buffalo,	30 dis
Union bk Buffalo,	30 dis
Western N. Y. bk of	50 dis
All others,	3 & 5 pm
MICHIGAN.	
Bank of Michigan,	
Far. M. bk, Michigan,	——
Erie & Kal R. R. bk,	
Bank of St. Clair,	5 dis
Bank of St Clair, Payable at Newark,	par
Bk of Macomb co.,	——
Bk of Macomb co, Payable Columbus,	par
Michigan State bk	10 dis
Bk of Constantine,	25 dis
Bank of Adrian,	25 dis
Mich. Insurance co,	10 dis
Merch. Bk. Jackson,	50 dis.
Bk. Marshall,	25 dis.
Mich. State Scrip,	20 dis.
All other banks,	no sale
MISSOURI.	
State bk & branches,	par
ALABAMA.	
All solvent banks,	10 dis
TENNESSEE.	
All solvent banks,	10 dis
LOUISIANA.	
New Orleans banks,	5 dis
MISSISSIPPI.	
Bks in this State,	no sale
N. & S. CAROLINA,	5 dis
NEW ENGLAND,	6 & 7 pm
NEW JERSEY,	par to 6 pm
PENNSYLVANIA,	par to 3 pm
MARYLAND,	par to 3 pm
VIRGINIA,	par
Wheeling Post notes,	3 dis
Specie,	6 & 6½ pm
Exchange on N. Y.	8½ pm
Exchange on Buffalo,	7½ pm
Exchange on Phil'a	5½ pm

Cincinnati Prices Current.

Corrected Weekly for the Philanthropist.
July 28, 1841.

Flour,	$4 18 a 4 25	
Whea	75	
Corn,	20	25
Oats,	31.	

WHOLESALE PRICES.		
Ashes—		
Pearl, lb.		6
Pot, "	5	
Almonds, s. s.	15	18
Alum, lb.	6	8
Beeswax, lb.	25	
Beans, bush.		62
Brimstone, r. lb.	6	8
Crackers, "	5	6
Candles—		
Mold, lb	9½	10
Dipt, "	9	
Sperm "	45	50
Coffee—		
Rio, lb.	12	13
Havanna,	12½	
Java, "	17	
Coal, bush.	14	15
Cassia, lb.	37	
Chocolate, "	13	15
Cheese, "	5½	7
Cloverseed,	3 50	4 00 plenty
Cloves, lb.	37½	
Cordage—		
Tarred, lb.	10	12½
Manilla, "	16	20
Copperas, "	3	4
Castings, s., t.	3 00	
Sugar ket. "	3 00	
Corks, vel., gr.,	50	60
Camphor, lb.	150	162
Chalk, "	2½	3½
Feathers,	33 a 37	
Fish—		
Herring, box,	75	1 00
Mac., 1, bl.	none	
No. 2, "	18 50	
No. 3, "	4 a 6	
Salmon, 40 lb. bbl	50 00	
Cod, lb.	6¼	
Figs, "	12½	
Filberts, lb.	10	
Glass, box—		
8 by 10	3 50	3 75
10 " 12	4 50	4 75
Ginger, race, lb.	12½	
ground, "	12½	
Glue, "	16	20
Gunpowder—		
Wade's, kg.	5 50	6 50
Dupont, "	7 00	7 25
Grain—		
Wheat, bush.	62	75
Corn, "	20	
Oats, "	20	
Hops, east., lb.		43
Hay, ton,	$8	
Hemp, cwt.,	5 50	6 00
Indigo—		
Carraccas, l.	1 75	
Manilla, "	1 50	1 62
Iron, bar, "	4½	5
Hoop, "	6	8½
Lead, pig, "	4½	
Bar, "	5½	
White dry "	10	12½
In oil, keg,	2 37	2 75
Red, lb.	12½	15
Logwood, lb.	4½	
Cut, lb.	3½	5
Madder, "	18	19
Nutmegs	1 25	1 50

WHOLESALE PRICES.		
Molasses—		
N. O., gall.	30	
Sugar-house,	35	40
Mustard, lb.	37½	
Nails, cut, 3d,	8	
4d,	7½	
6d,	6½	
8d,	5½	
10 and 20d,	5½	
Oil—		
Olive, bask,	5 50	6 00
Win.st.gal.	137	140
Sum. " "	1 25	1 30
Linseed "		106
Tan., br.bl.	20 00	25 00
white, "	15 00	18 00
Paper—		
Wrap'ng, r.	1 25	2 00
No, 1, cap, "	3 25	3 50
No. 2, " "	2 75	3 00
Pepper, lb.	12	12½
Pimento, "	8	10
Provisions—		
Bacon,	4¼	5
B. hams,	6½	7½
Sides,	5	5½
Shoulders,	3½	3½
Lard,		7 dull
Butter, plenty,	6	10
Pork—		
Mess, bl.	10 00	10 50
Clear, "	11 50 &	12 5
Prime, "	8	8 50
Rump, a Chime lb,	7 50	8 50
Rosin, Ten.bl.	$3 75	4 50
Raisins, m. r. p	$2 50	2 75
Rice, lb., keg,	4½	5
Sugar—		
N. Orleans, lb.	7½ c.	
"	8½ in bls	
Loaf,	14 to 17	
Lump,	13 a 15	
White Hav'a,	11½	12½
Brown, "		none
Segars—		
Common th.	1 25	1 50
Melee, "	20	25
Spanish, "	10 00	20 00
Saleratus, "	cask 6½	keg 10
Salt—		
Zanesville, bu.	30	
Kanawha, "	30	33
T. Island, "	40	45
S. Petre, cr., lb.	9	10
Shot, bag,	1 75	2 00
Soap, No. 5½, lb.	6	6
No. 2, "	5	5 1-2
Turpentine, gal.	75	100
Tallow, lb.	6½	7
Teas—		
Imperial, lb.	90	85
Gunp'wder, "	90	85
Y. Hyson, "	75	85
Souchong, "	[illegible]	70
Tin p. X, p.	12 50	
block, lb.		
Tobacco—		
Va Cav., lb.	35 to 45	
" 12 Lump,	16	20
Ky. No. 1 [illegible]	8½	[illegible]
" No. 2		7½
Vinegar, g[illegible]		12

POETRY.

From the Liberator.

The following beautiful effusion, taken from the Southern Literary Messenger for April, is distinguished for purity and gentleness of thought and a sweetness of expression almost inimitable. Its quiet melody—its dream-like and spirited beauty—and its tones of bewitching tenderness, come over the heart

'Like softest music heard in sleep,'

or

'Like the low chant of the distant wave
By Spring's soft breathings stirred.'

Musings.

BY AMELIA, OF LOUISVILLE, KY.

I wandered out one summer night—
'Twas when my years were few;
The breeze was singing in the light,
And I was singing too.
The moonbeams lay upon the hill,
The shadows in the vale,
And here and there a leaping rill
Was laughing at the gale.

One fleecy cloud upon the air
Was all that met my eyes:
It floated like an angel there
Between me and the skies.
I clapped my hands and warbled wild
As here and there I flew;
For I was but a careless child,
And did as children do.

The waves came dancing o'er the sea
In bright and glittering bands:
Like little children wild with glee,
They linked their dimpled hands.
They linked their hands—but ere I caught
Their mingled drops of dew,
They kissed my feet, and quick as thought
Away the ripples flew.

The twilight hours like birds flew by,
As lightly and as free;
Ten thousand stars were in the sky,
Ten thousand in the sea;
For every wave with dimpled cheek
That leaped upon the air,
Had caught a star in its embrace,
And held it trembling there.

The young moon, too, with upturned sides,
Her mirror'd beauty gave;
And as a bark at anchor rides,
She rode upon the wave.
The sea was like the heaven above,
As perfect and as whole,
Save that it seemed to thrill with love,
As thrills the immortal soul.

The leaves, by spirit-voices stirr'd,
Made murmurs on the air—
Low murmurs, that my spirit heard,
And answer'd with a prayer;
For 'twas upon the dewy sod,
Beside the moaning seas,
I learned at first to worship God,
And sing such strains as these.

The flowers, all folded to their dreams,
Were bound in slumber free,,
By breezy hills and murmuring streams,
Where'er they chanced to be.
No guilty tears had they to weep,
No sins to be forgiven;
They closed their eyes, and went to sleep,
Right in the face of heaven.

No costly raiment round them shone,
No jewels from the seas,
Yet Solomon upon his throne,
Was ne'er arrayed like these;
And just as free from guilt and art,
Were lovely human flowers,
Ere sorrow set her bleeding heart
On this fair world of ours.

I have heard the laughing wind behind,
When playing with my hair—
The breezy fingers of the wind,
How cool and moist they were!
I heard the night-bird warbling o'er
Its soft enchanting strain—
I never heard such sounds before,
And never shall again.

Then wherefore weave such strains as these
And sing them day by day,
When every bird upon the breeze
Can sing a sweeter lay?
I'd give the world for their sweet art,
The simple, the divine;
I'd give the world to melt one heart,
As they have melted mine.

AGRICULTURAL.

From the Northern Light.

Poison From Animal Putridity.

BY WILLIS GAYLORD.

It is well known to those who have paid attention to such subjects, that animal matter becoming putrid under certain circumstances, or suffering decomposition in certain conditions, becomes a most virulent poison, capable of destroying life when taken into the circulation by absorption, or applied to the stomach or to an abraded surface.

The surgeon who frequents the dissecting rooms is aware of the danger he runs, as scarcely a year passes in which the sacrifice of one or more valuable lives is not the result of such poisonous matter, communicated to the tissues of the system by some slight wound, a trifling sore, or perhaps a slight scratch. The terrible certainty with which such poison runs to a fatal termination, leaves but little hopes to the sufferer; and is still less calculated, perhaps to induce confidence in the remedial agents which are so potent in many other cases.

Another way in which putrid animal matter operates as poison, is shown in the effects of cheese when exposed to certain influences and changes, and taken into the stomach in that state. Perhaps there is not a year passes in which individuals, and sometimes whole families, are not poisoned with cheese; and this effect is usually if not always, attributed to some deleterious substance; either designedly or accidentally communicated to it while making.—Examinatione made with the utmost care, by skilful men, have been unable to detect any substance, and the probability is, that the cause is to be sought in the putrid change which such cheese is found to be undergoing.

The following remarks by Professor Liebig, in his "Organic Chemistry, of Physiology and Agriculture," would seem to throw much light on the questions of animal poisons from putridity; as also on the laws which govern the particulars of the matter whether sound or defective, when brought into contact with each other. The case adduced by him, is the celebrated Wurtemberg sausage, from the use of which several hundred deaths are known to have occurred within a few years, and which has in consequence become prominent in the class of putrid animal poisons. The professor says:

"In Wurtemberg especially these cases are very frequent, for there the sausages are prepared from various materials. Blood, liver, bacon, brains, milk, meal, and bread, are mixed together with salt and spices; the mixture is then put into bladders of intestines, and after being boiled, is smoked.

"When these sausages are well prepared, they may be preserved for months, and furnish a nourishing savory food, but when the spices and salt are deficient, and particularly when they are smoked too late or not sufficiently, they undergo a peculiar kind of putrefaction, which begins at the centre of the sausage. Without any appreciable escape of gas taking place, they become paler in their color, and softer and greasier in those parts which have undergone putrefaction' and they are found to contain free lactic acid, or lactate of ammonia—products which are universally formed during the putrefaction of animal and vegetable matter.

"The cause of the poisonous nature of these sausages, was ascribed at first, to hydrocyanic acid, and afterwards to sabaic acid, although neither of these substances had been detected in them. * * * The death which is the consequence of poisoning by putrefied sausages, succeeds very lingering and remarkable symptoms. There is a gradual wasting of muscular fibre, and of all the constituents of the body similarly composed; the patient becomes much emaciated, dries to a complete mummy, and finally dies. The carcass is stiff as if frozen, as it is not subject to putrefaction. During the progress of the disease, the saliva becomes viscous, an acquires an offensive smell.

A variety of experiments were instituted by Colin to ascertain the *modus operandi* of this class of poisons. He found when putrefying muscle or pue is placed on a fresh wound, it occasions disease, and not unfrequently ends in dsath. Boiling water, or alcohol, will destroy the poisonous quality of these putrefying substances and render them innoxious, but they seem only to produce this effect by arresting the progress of putrefaction. On the contrary, when these poisons of putridity come in contact with the stomach and are taken into the circulation, or are brought into the blood through wounds, as in the dissecting room, the vital energy is not sufficient to arrest the progress of putrefaction in the matter so absorbed, but the poison retaining its active chemical properties, imparts, more or less rapidly its peculiar action to the blood and through that to the muscular tissue.

It would seem that decomposing animal matter, however offensive it may become, rarely or never assumes the intensity of a deadly poison, unless the putrefaction is conducted in such a manner that the gases evolved during the process are not permitted to escape, but by being retained, are reabsorbed as its were, thus adding energy and intensity to the putrid substances already developed. In cheese the putrefactive process commences into the interior; there is no escape of gas, but the decomposition goes gradually on, and while all is fair outside, the cheese instead of curing, is putrefying within. So with the sausage of Professor Liebig. The membranous covering prevents the escape of the gases thus formed, and they are retained, while the putrefaction still goes forward. In this country we have known an instance of poisoning from such preparations as German sausage, but the general use of meat in all its multiplied forms, renders such an occurrence not impossible; and those from the two other kinds of animal poison, (dissection and from cheese,) have been of sufficiely frequent occurrenee to warrant the calling of public attention to the subject, and if possible, its further investigation and elucidation.

Wheat and Grain Crops.

We rejoice that the honest cultivators of the soil are now able to obtain fair prices for the products of their industry. We fear, however, that there is an effort making greatly to underrate the amount of the coming crops with a view to speculation, by giving an undue price to the immense quantity of bread stuffs now in the hands of dealers. A correspondent of the New York Express, writing from Canandaigua, under date June 22nd, says the wheat crop of 1841, will be less by six millions of bushels in the State of New York, than it was in 1839; being less than one half the crop. This is so great an error that we cannot but regard it as a mis-state ment designed for effect. Were this an isolated case, it would not be worthy of notice; but the papers are filled with the most exaggerated accounts of the failure of the crops· Unless some great calamity shall befall the grain now standing, before it shall be harvested, there must be a large surplus in the country, and the market price cannot rise above the value of wheat and flour to ship to Europe. And we will add that, by the latest accounts from England, the prospect of an abundant harvest is said to never have been better. It is always a public calamity for any property to acquire a fictitious value. It ruins buyers, and often sellers, by regulating all their pecuniary engagements by a false standard of value.—*Buffalo Journal.*

Competition the life of Business.

In one of the log cabin towns of the West there were two stores, both of which would sell whiskey and would not sell Bibles. Deacon Honesty, (not deacon Giles,) determined to set up a store for himself, in which he would sell Bibles, not whiskey. As the deacon was not rich, the wise ones told him that the other traders would combine and run him down. Let them do it, said the deacon. And they did do it, for they were very mad. But how? First they conspired to ruin the deacon by keeping Bibles for sale themselves. But that did'nt do, for their Bibles only made people think the worse of their whiskey, and the deacon still found customers. At last they cleared out the whiskey, and then the deacon had to shut up. We give the *fable*, reader; make the *moral* for yourself.—*Free American.*

From the Cross and Journal.

For the Young.

My young friends, keep out of bad company. I will tell you what happened about forty years ago, when the writer of this was a school boy. There were two boys of perhaps sixteen or eighteen years of age. In those days boys were not men till they were twenty-one or two.—Well, these boys were both remarkably steady; every body thought they would turn out good men. Well, one of them did; he became a preacher and a useful man, but the other one got into bad company; and, as young men generally take a turn for good or for evil about that age, he lost his religious tnrn of mind. From bad he got to worse, and finally stole a horse and was sent to the wheelbarrow. That was the law, then in that State, forty years ago. They were chained to a wheelbarrow and made to work on the public roads. His name was Mount. Well, before his time was out he got away, and late one evening he came to my mother'shouse. The family all knew him. My mother called him Mr. Mount. He hung his head and said, "That is not my name, my name is Carwell." Presently in came my brothers, who had been his schoolmates. They said, "Why, Mr. Mount, how do you do?" "My name is not Mount," said he faintly, and hung down his head. "No," said my mother, "I thought it was Benjamin Mount, but upon reflection, he, poor fellow is at the wheelbarrow."

He was very dirty. A bed was made for him on the floor before the kitchen fire. When he went to bed, myself and one other brother went to a back window and looked in. We saw him take off the rags from around his ancles. They appeared cut to the bone with the irons he had worn while chained to the wheelbarrow. Next morning he was off by times. We soon heard of his escape, and then we knew it was him. Now what must have been his feelings, when called by name so often? True, he was altered, but we knew him, and he knew us: for as I said, some of us had been his school mates.—Now, let young men beware of bad company; as I said before, sixteen or eighteen and along there, is the turning point; it is an important point in your history. Mind what is told you. by an

OLD MAN

Report

Of the Committee appointed by the Synod of Cincinnati, to attend the annual examination of Lane Theological Seminary.

The undersigned, members of the Committee, attended the above examination, as directed by Synod.

In the Biblical department, conducted by Professor Stowe, various parts of the sacred oracles were brought under review, to give the students an opportunity of exhibiting their skill in interpreting the Scriptures. The examination was highly creditable, both to the Professor and the students; and exhibited ample evidence that careful attention had been given to the studies of this most important department, and that the course of instruction given is calculated to make safe and able expositors of the word of God.

President Beecher examined on systematic Theology; and it appeared that minute attention had been given to the system of doctrine taught in the Scriptures, and summarily presented in the Confession of Faith.

The examination as a whole, was highly gratifying to the Committee, and gave good grounds for hope, that ministers sound in the faith, and "mighty in the Scriptures," will go forth from this Institution to build up the waste places of Zion, and make glad, the city of the living God.

The Committee also attended the annual exhibition. All the addresses were respectable in point of composition and delivery; and some evinced considerable skill, in these important parts of Theological education. The amount of talent among the students is very considerable, and so far as the Committee could judge from the industry, consistent conduct, and benevolent effort exhibited during the term, there is much to hope in relation to their piety.

The Institution appears to be in a prosperous condition. The whole number in attendance has been about seventy, and the average attendance the whole term, fifty-six.

In the ability and zeal of the Professors, and the endowment of the Institution, there is great ground for hope as to its eminent success and usefulness, and the Committee would especially commend it to the prayers and patronage of the churches under the care of Synod.

We regret that the other members of the Committee were not present; but feeling a deep interest in the prosperity of the Seminary we have concluded to make this statement public, in the hope that the sympathies and prayers of the churches may be enlisted in its behalf.

JOHN RANKIN,
ANDREW BENTON,
THORNTON A. MILLS, } *Committee.*

July, 1st, 1841.

Progress in Quebec.—A large West India House, which used to sell 300 or 400 puncheons of rum through the winter, has sold only two during the winter that is past. A retailer who laid in his usual supply of 30 puncheons has not yet sold one. And three dealers, viz: T. Bicknell, St. John street; P. Holt, Palace street and T. Lavallee, St. Roches; have given up the traffic, and now keep temperance groceries. We trust they will be supported by the friends of the cause.

At the public dinner recently given to the newly elected members of Parliament, fifteen gallons of toast water was prepared, placed on the table, and drank instead of wine. These facts, affording the most cheering indications of the progress of temperance principles, are communicated to us by gentlemen of veracity from Quebec. *Olive Leaf.*

The War Renewed.—Pilatka June 18, 1841, The war has opened on both sides anew, and the new commander in Florida is making every preparation to give the Indians a hard heat. But recently a party of ten Indians attacked a train of wagons while proceeding from Charles, Ferry to Fort Macomb. On the first fire the teamsters broke and run. The soldiers although sick, and few in number, returned to the charge and beat the Indians off. there was one soldier killed. The Indians did no further damage than take a wagon, besides killing the soldier. On the 9th inst., 8 miles above Fort Macomb, on the Sawanee, a party of some 10 or 15 Indians attacked a wagon, train, and an escort, consisting of only 8 men, 3 of whom were lying in the wagons. A sharp fight ensued which lasted about three quarters of an hour. The Indians finally succeeded in driving the men off when they commenced plundering the wagons and taking away some private property. One soldier was killed on the first fire. An express was immediately sent off to Lieut Smith, who with an escort of about 30 men, promptly went in pursuit, but returned without succeeding in overtaking those blood-hounds. The band which attacked the train was supposed to be Tigertail's. All the posts in Middle Florida continue very sickly. Fort Macomb and Pleasants have been abadoned.

Savannah Georgian.

The Slave Trade at Havanna.—The Boston Atlas publishes the following extract of a letter dated Havanna, May 29th:

"A cargo of about 450 negroes entered the port of Cabanas last week; the vessel struck on a rock and sunk, and about 30 were drowned. The balance were landed. Some difficulty arose between the captain of the Partido and the Collector, and the latter took possession of the negroes, sent an officio to the Intendente, who passed it to the Captain General, and he sent down a steamer and brought the whole of them to this place, and put them in the Baracones outside, and it is sppposed that they will be apprenticed out. This traffic will be broken up; no new expeditions will be fitted out.

New Species of Cotton.—The South western papers state that a new article of culture has recently been introduced into the United States, called the Chinese Silk Cotton. "For fineness and beauty of texture, and length of staple," says the Memphis Enquirer, "it is without exception the most superior article we have ever seen." The Little Rock Times states that 'it requires but three months for it to come to maturity."

"The Work Goes Bravely On."—We surely live in an age of wonders. The recent impulse given to the cause of temperance by the movement among the drunkards, promises results almost as important and astonishing as those which have transpired in Ireland. At Pittsburg, we are informed, since the arrival of the delegates of the Baltimore Washington Temperance Society, twelve hundred citizens of that place have joined the ranks of total abstinence. The effects of all these operations will not be long in developing.

Influx of Foreigners.—The number of emigrants who have arrived during the present season from foreign ports exceeds 21,000. A late Quebec paper states the arrival in Canada at over 14,000. Total 35,000. It is expected that during the months of July and August at least 40,000 more will arrive at New York and Quebec.

Last of the Famous Darg Case.—It has been said that Tom Hughes, late the slave of John P. Darg, preferred going to the South as a slave, to remaining in the North free. It appears that Tom accompanied Darg as far as Baltimore, under a promise that he should be free, and live with his wife; that after he arrived there he discovered that he had been deceived, and that it was not the intention of Darg to comply with his engagement. He therefore embraced the first opportunity that offered and made his escape, and is now out of the reach of his kind benefactor.

This is precisely the result always expected by those acquainted with the facts.—*A. S. Standard.*

Milk Sickness.—Some weeks ago, we published the experience of a farmer in Illinois by which it seemed established that milk-sickness may be prevented by freely salting the cattle We have since, seen an acquaintance from Indiana, on whose statements implicit reliance may be placed, who informs us that his experience establishes the same fact. He had droves of cattle grazing several seasons, in a region where milk-sickness was remarkably common, without a single case of the disease, while the cattle of others were nearly all attacked. The only difference between his treatment of his cattle and that of his neighbors was in salting them.—*Louis. Jour.*

An old man as he walks looks down and thinks of the past; a young man looks forward and thinks of the future; a child looks everywhere and thinks of nothing.

We remember many things we should forget, as injuries and disappointments, but forget what we should remember, namely, God and our souls.

A man who puts aside his religion because he is going into society, resembles a person taking off his shoes because he is about to walk upon thorns.

A Wind Fall.—A man in Rochester had his coat stolen a few days since. Shortly after he saw it lying on the deck of a canal-boat, and without ceremony picked it up and walked off. On examining the pockets, he found therea fair lot of cash, of which there was an entire deficiency when the coat was stolen.

In 1790, the wheat grown in Great Britain was only 14,000 bushels—in 1830, the crop was estimated at 100,000,000 bushels. This is nearly forty millions more than all the wheat grown in the United States, according to the last census.

A Frenchman by the name of Godfrey, has established a woollen factory at Zacatecas, in Mexico, with a capital of $30,000.

Advantages of Science.—Mr. Holbrook of Medway, the celebrated bell founder, who has put up a clock on the Baptist church in this town, the present week, gave us a little incident of his life which is worth relating, if for nothing more than to show the importance of a knowledge of chemistry. An immense pile of cinders and dross had accumulated near his foundry, which was supposed to be entirely worthless, and was used to fill up stone walls, &c. A foreigner who happened to be in town examined the pile one day and offered $100 for it. So large a price excited Mr. H.'s suspicions that the pile might contain valuable metal, and he declined selling it. The man then offered $200, which of course confirmed his opinion, and after a little parley the stranger acknowledged that he was acquainted with a process by which valuable metal might be extracted from the cinders, which he offered to divulge for a small compensation. A furnace and apparatus were constructed according to his direction, and when the whole pile was run through, the mass of neglected rubbish yielded a nett profit of thirteen thousand dollars. So much for knowing "how to do it."—*Lynn Freeman.*

A spoonful of horse radish put into a pan of milk will cause it to retain its sweetness for several days, while other milk will become sour.

Perilous Situation.—Dr. Judd, of Honolulu, who accompanied the Scientific Corps of the Exploring Squadron in their excursions on Hawaii, had a most wonderful escape from an awful death. He had descended inio the crater of Kilauea, to obtain some specimens of the liquid lava. Not succeeding in procuring any at the Great Lake, (as it is called) he approached one of the smaller ones, or chimneys, and descended a few feet into it. While gathering specimens, the lake suddenly became active, and discharged a jet of lava into the air far above his head, but which most fortunately fell in the opposite direction from him. He then commencep making his way out, before another should follow, but the ascent was far more difficult than the descent. He became alarmed, and called on five natives who had accompanied him to the spot, for assistance. The heat had become so great that they were frightened and retreated with the exception of one man, who threw himself flat upon the bank, and reaching over his right hand, enabled the Doctor to reach the top. But before he reached the brink, his clothes Were burnt by the hot air. and he would have been scalded had he not been protected by woolen garments. The native in stooping over, had his face and hands blistered. They both had barely time to leave the spot, when the lake filled up and poured out a stream of liquid lava. *Polynesian.*

Ohio Mechanic' Institute.—This is to certify that Messrs Mitchell & Moor exhibited at the Third Annual Fair of the Ohio Mechanic's Institute, several specimen's of Furture, viz. a workstand, table, and a birds-eye maple bedstead, which are adjudged to be the best work exhibited.

Given under our had this 27th day of June, 1840.

JOHN P. FOOTE, Pres't.
L. T. WELLS, Secr'y.